THE
SODDY-DAISY
MUNICIPAL
CODE

Prepared by the

Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

September 2007
CITY OF SODDY-DAISY, TENNESSEE

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VICE MAYOR
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MANAGER
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RECORER
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Preface

The Soddy-Daisy Municipal Code contains the codification and revision of the ordinances of the City of Soddy-Daisy, 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 7 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
(3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of the codes team: Hannah Kraemer, Program Resource Specialist; and Linda Winstead, Nancy Gibson, and Doug Brown, Administrative Specialists, is gratefully acknowledged.

Steve Lobertini
Codification Consultant
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
CITY CHARTER

1. General power to enact ordinances: (6-19-101)

2. All ordinances shall begin, "Be it ordained by the City of Soddy-Daisy as follows:" (6-20-214)

3. Ordinance procedure

   (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

   (b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.

   (c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.

   (d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)

4. Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city.

   No such ordinance shall take effect until the ordinance, or its caption, is published except as otherwise provided in chapter 54 part 5 of this title. (6-20-218)

v
TITLE 1
GENERAL ADMINISTRATION

CHAPTER
1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. RECORDER.
4. CITY MANAGER.
5. CODE OF ETHICS.

¹Charter reference
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.
Water and sewers: title 18.
CHAPTER 1

BOARD OF COMMISSIONERS

SECTION

1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.
1-104. Ordinance procedure.
1-105. Date of city election and transitional elections.
1-106. Salary of commissioners.

1-101. Time and place of regular meetings. The board of commissioners shall hold regular meetings at 7:00 P.M. on the first and third Thursday of each month in the municipal building. (1990 Code, § 1-101)

1-102. Order of business. At each meeting of the board of commissioners, 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) Approval of minutes of the previous meeting by the recorder, and correction.
(4) Public discussion.
(5) Old business.

Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Creation and combination of departments: § 6-21-302.
Subordinate officers and employees: § 6-21-102.
Taxation
Power to levy taxes: § 6-22-108.
Change tax due dates: § 6-22-113.
Power to sue to collect taxes: § 6-22-115.
Removal of mayor and commissioners: § 6-20-220.
(6) New business.
(7) Reports from committees, members of the board of commissioners, and other officers.
(8) Announcements.
(9) Adjournment. (1990 Code, § 1-102, modified)

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

1-104. **Ordinance procedure.** Pursuant to Tennessee Code Annotated, § 6-20-215, only the caption of proposed ordinances shall be read on both readings. (1990 Code, § 1-104, modified)

1-105. **Date of city election and transitional elections.** (1) At the city election to be held on the second Tuesday of June, 2003, the voters of the city shall elect two (2) commissioners who shall serve until the first meeting of the board of commissioners following the general election to be held on the first Tuesday after the first Monday in November, 2006, or until their successors are elected and qualified.

(2) At the general election to be held on the first Tuesday after the first Monday in November, 2006, and at the election held every four (4) years after that date, the voters of the city shall elect two (2) commissioners who shall serve four (4) year terms of office, or until their successors are elected and qualified.

(3) At the city election to be held on the second Tuesday of June, 2005, the voters of the city shall elect three (3) commissioners who shall serve until the first meeting of the board of commissioners following the general election to be held on the first Tuesday after the first Monday in November, 2008, or until their successors are elected and qualified.

(4) At the general election to be held on the first Tuesday after the first Monday in November, 2008, and at the election held every four (4) years after that date, the voters of the city shall elect three (3) commissioners who shall serve four (4) year terms of office, or until their successors are elected and qualified. (1990 Code, § 1-105)

1-106. **Salary of commissioners.** The salary of each commissioner shall be three hundred dollars ($300.00) per month. No increase in the salary permitted by this section shall become effective unless approved by two-thirds (2/3) vote of the board of commissioners. (1990 Code, § 1-106)
CHAPTER 2

MAYOR¹

SECTION
1-201. Duties and powers. ²

1-201. Duties and powers. ² The mayor shall preside at all meetings of the board of commissioners, sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and perform all acts that may be required of him by the charter, and any ordinances duly enacted by the board of commissioners, not in conflict with the charter. (1990 Code, § 1-201)

1-202. Salary of mayor. The salary of the mayor shall be three hundred and fifty dollars ($350.00) per month. No increase in the salary permitted by this section shall become effective unless approved by two-thirds (2/3) vote of the board of commissioners. (1990 Code, § 1-202)

¹Charter reference
For general charter provisions dealing with the election and duties of the mayor and vice mayor, see Tennessee Code Annotated, title 6, chapter 20, part 2, particularly §§ 6-20-201 and 6-20-203.

²Charter references
For detailed provisions of the charter outlining the election, power and duties of the mayor see Tennessee Code Annotated, title 6, chapter 20, part 2, particularly, §§ 6-20-209, 6-20-213, and 6-20-219. For specific charter provisions in part 2 related to the following subjects, see the section indicated:
   Election: § 6-20-201.
   May introduce ordinances: § 6-20-213.
   Presiding officer: §§ 6-20-209 and 6-20-213.
   Seat, voice and vote on board: § 6-20-213.
   Signs journal, ordinances, etc.: § 6-20-213.
CHAPTER 3

RECORDE

SECTION
1-301. To keep minutes, etc.
1-302. To perform general administrative duties, etc.
1-303. To be bonded and/or insured.

1-301. **To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the board of commissioners and shall preserve the original copy of all ordinances in a separate ordinance book. (1990 Code, § 1-402)

1-302. **To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the board of commissioners, the city manager, and for the city which are not assigned by the charter, this code, or the board of commissioners to another corporate officer. He shall also have custody of, and be responsible for, maintaining all corporate bonds, records, and papers of the city. (1990 Code, § 1-403)

1-303. **To be bonded and/or insured.** The recorder shall be bonded and/or insured in a sum to be set by the board of commissioners, with such surety as may be acceptable to the board of commissioners before assuming the duties of his office. (1990 Code, § 1-401, modified)

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1Charter references
For charter provisions outlining the duties and powers of the recorder, see Tennessee Code Annotated, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see Tennessee Code Annotated, title 6, chapter 22, particularly § 6-22-119.
CHAPTER 4

CITY MANAGER

SECTION
1-401. Duties and powers.

1-401. Duties and powers. The city manager shall be the chief administrative officer of the city and shall exercise such authority and control over law and ordinance violations, departments, officers and employees, and city purchases and expenditures as the charter prescribes, and shall perform all other duties required of him pursuant to the charter. (1990 Code, § 1-301)

1Charter reference
   For charter provisions outlining the appointment and removal of the city manager, see Tennessee Code Annotated, title 6, chapter 21, part 1, particularly § 6-21-101.

2Charter references
   For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:
   Administrative head of city: § 6-21-107.
   General and specific administrative powers: § 6-21-108.
   School administration: § 6-21-801.
   Supervision of departments: § 6-21-303.
CHAPTER 5

CODE OF ETHICS

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

1-501. Applicability. This chapter is the code of ethics for personnel of the City of Soddy-Daisy. 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. (Ord. #16, March 2007)

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

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #16, March 2007)
1-503. **Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official’s vote on the measure. In addition, the official may recuse himself from voting on the measure. (Ord. #16, March 2007)

1-504. **Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #16, March 2007)

1-505. **Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the 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. (Ord. #16, March 2007)

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

   (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #16, March 2007)

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

   (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any

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\(^1\)Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.
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. (Ord. #16, March 2007)

1-508. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the 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. (Ord. #16, March 2007)

1-509. 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. (Ord. #16, March 2007)

1-510. 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 the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #16, March 2007)

1-511. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality’s charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #16, March 2007)
TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER 1

PARK AND RECREATION BOARD

SECTION

2-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, title 11, chapter 24, there is hereby created a park and recreation board consisting of five (5) members. All members of such board shall be appointed by the mayor to serve for terms of five (5) years or until their successors are appointed, for such terms that the term of one (1) member shall expire annually thereafter. The members of such board shall serve without pay. Any vacancy occurring otherwise than by expiration of a term shall be filled only for the unexpired term and all appointments shall be made by the mayor. (1990 Code, § 1-801, modified)

2-102. Powers and functions. (1) The board shall act in an advisory capacity only (nonadministrative) to the recreation department, serving as a representative of the citizenry and adjunct of the commission, in all nonbudgetary matters pertaining to the recreation facilities and programs of the city. Such advisory duties shall include the recommendation of new recreational site locations, improvements, and operational personnel, recreational program content, rules, regulations, schedules, and similar controls pertaining to usage of public recreational facilities of the city, and shall be made by way of the appropriate recreation department and the city manager to the board of commissioners.

(2) The board may solicit, and acquire, on behalf of the city, by gift of donation, any property for public recreation, provided that the solicitation of the donation of real property shall have the prior concurrence of the board of commissioners. Any gifts or donations acquired, except real property, shall be transferred to the appropriate recreation department and shall become the property of the city. Any tentative donation of real property shall be processed
in the normal manner for acquiring city property and, if accepted, title thereto
shall be taken in the name of the city.

(3) The board shall keep records and accounts of all activities of the
board and shall make reports through the recreation director the to city
manager whenever requested to do so.

(4) In exercising its powers and performing its duties as specified in
this chapter, the board shall act through a majority of its members and the
chairman of the board is requested to sign all papers and documents requiring
the signature of the recreation board.

(5) No member of the board shall participate in the decision of any
matter coming before the board in which such member has a monetary interest
either directly of indirectly.

(6) Nothing in this chapter shall be construed as authorizing or
empowering the park and recreation board or any of its members to impose any
liability of any nature, financial or otherwise, upon the city. (1990 Code,
§ 1-802)

2-103. Removal of non-active members. Members who fail to appear
at three (3) consecutive regularly scheduled meetings and/or called meetings
without proper authorization, shall automatically be removed from membership
on this board. Vacancies occurring because of removal in this manner shall be
filled in the same manner as in the initial appointment but only for the
unexpired term. (1990 Code, § 1-803)
3-1

TITLE 3

MUNICIPAL COURT

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

CHAPTER 1

CITY JUDGE

SECTION
3-101. 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. (1990 Code, § 1-601)

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1Charter references
For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City judge:
Appointment and term: § 6-21-501.
Jurisdiction: § 6-21-501.
Qualifications: § 6-21-501.

City court operations:
Appeals from judgment: § 6-21-508.
Appearance bonds: § 6-21-505.
Arrest warrants: § 6-21-504.
Docket maintenance: § 6-21-503.
Fines and costs:
Amounts: §§ 6-21-502, 6-21-507.
Collection: § 6-21-507.
Disposition: § 6-21-506.
CHAPTER 2
COURT ADMINISTRATION

SECTION
3-201. Maintenance of docket.
3-202. Imposition of fines, penalties, and costs.
3-203. Installment payment of fines, penalties, and costs.
3-204. Disposition and report of fines, penalties, and costs.
3-205. Contempt of court.
3-206. 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 which may be relevant. (1990 Code, § 1-602)

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

In all cases heard and determined by him, the city judge shall impose court costs in the following amounts:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrest</td>
<td>20.00</td>
</tr>
<tr>
<td>Affidavit and warrant</td>
<td>10.00</td>
</tr>
<tr>
<td>Continuance</td>
<td>1.00 (each)</td>
</tr>
<tr>
<td>Judgement</td>
<td>7.50</td>
</tr>
<tr>
<td>Docketing</td>
<td>7.25</td>
</tr>
<tr>
<td>Mittimus</td>
<td>1.00</td>
</tr>
<tr>
<td>Bond</td>
<td>2.00</td>
</tr>
<tr>
<td>Issuing subpoena</td>
<td>2.50 (each)</td>
</tr>
<tr>
<td>Serving subpoena</td>
<td>2.50 (each)</td>
</tr>
<tr>
<td>Bill of costs</td>
<td>2.00</td>
</tr>
<tr>
<td>Search warrant</td>
<td>5.00</td>
</tr>
<tr>
<td>State litigation tax</td>
<td>13.75</td>
</tr>
</tbody>
</table>
Local litigation tax  

Litigation tax for public parking space violation  

One dollar ($1.00) of the court costs in each case shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and containing education courses for municipal court judges and municipal court clerks. (1990 Code, § 1-608, modified)

3-203. **Installment payment of fines, penalties, and costs.**

(1) **Authorization.** When upon a plea or upon the court's own motion, satisfactory proof is shown to the court that the offender is unable to pay any fine, penalties or costs imposed by the court, the court may order such payment in equal monthly installments. The amount of the installments shall be set by the court, the first payment to begin thirty (30) days after the imposition of the fine, penalties and costs until the same are satisfied in full.

(2) **Default.** Upon default by the defendant of such monthly installment(s), the entire balance of the fine, penalties and costs shall immediately be due and payable. (1990 Code § 1-609, modified)

3-204. **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 commissioners 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. (1990 Code, § 1-612)

3-205. **Contempt of court.** Contempt of court is punishable by a fine of fifty dollars ($50.00), or such lesser amount as may be imposed in the judge's discretion.

3-206. **Trial and disposition of cases.** Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1990 Code, § 1-606)
CHAPTER 3
WARRANTS, SUMMONSES AND SUBPOENAS

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

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1990 Code, § 1-603)

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. (1990 Code, § 1-604)

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. (1990 Code, § 1-605)

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. (1990 Code, § 1-607)

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. (1990 Code, § 1-610)

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 up to 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 within the county. No other type bond shall be acceptable. (1990 Code, § 1-611)
TITLE 4
MUNICIPAL PERSONNEL

CHAPTER
1. SOCIAL SECURITY.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1
SOCIAL SECURITY

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

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. (1990 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. (1990 Code, § 1-702)

4-103. **Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1990 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. (1990 Code, § 1-704)

4-105. **Records and reports.** The recorder shall keep such records and
make such reports as may be required by applicable state and federal laws or
regulations. (1990 Code, § 1-705)
CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-201. Title. This section shall provide authority for establishing and administering the occupational safety and health program plan for the employees of the City of Soddy-Daisy. (1990 Code, § 1-901)

4-202. Purpose. The City of Soddy-Daisy, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

1) Provide a safe and healthful place and condition of employment that includes:
   a) Top management commitment and employee involvement;
   b) Continually analyze the worksite to identify all hazards and potential hazards;
   c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
   d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

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

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

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

5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.
(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1990 Code, § 1-902)

4-203. **Coverage.** The provisions of the occupational safety and health program plan for the employees of the City of Soddy-Daisy shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Soddy-Daisy whether part-time or full-time, seasonal or permanent. (1990 Code, § 1-903)

4-204. **Standards authorized.** The occupational safety and health standards adopted by the City of Soddy-Daisy are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972. (1990 Code, § 1-904)

4-205. **Variances from standards authorized.** The City of Soddy-Daisy may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Soddy-Daisy shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the City of Soddy-Daisy shall be deemed sufficient notice to employees. (1990 Code § 1-905)

4-206. **Administration.** For the purposes of this chapter, the city manager is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program. The director shall develop a plan of operation for the program\(^1\) and said plan shall become a part

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\(^1\)The plan of operation for the occupational safety and health program for the employees of City of Soddy-Daisy has been added to this municipal code as Appendix A.
of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (1990 Code, § 1-906)

4-207. **Funding the program.** Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of commissioners. (1990 Code, § 1-907)
TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER
1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. PURCHASING.

CHAPTER 1

MISCELLANEOUS

SECTION
5-102. Fiscal year.

5-101. Official depositories for city funds. The following banks are designated as the official depositories of all municipal funds:²

(1) Checking account: First Tennessee Bank;
(2) Savings account: Community National Bank;
(3) Certificates of Deposit:
   (a) Citizens Tri-County Bank;
   (b) Sun Trust Bank;
   (c) AmSouth Bank (Regions Bank). (1990 Code, § 6-401, modified)

5-102. Fiscal year. The city's fiscal year begins on July 1 and ends on June 30 of the year next following.³ (1990 Code, § 6-402)

¹Charter reference
Finance and taxation: title 6, chapter 22.

²Charter reference
Tennessee Code Annotated, § 6-22-120 prescribes depositories for city funds.

³Charter reference
Tennessee Code Annotated, § 6-22-121 provides that the fiscal year of the city shall begin on July 1 unless otherwise provided by ordinance.
CHAPTER 2
REAL AND PERSONAL PROPERTY TAXES

SECTION
5-201. Collection.

5-201. **Collection.** All municipal property taxes shall be collected by the county trustee and shall become due and delinquent at the same time as the county taxes. (1990 Code, § 6-101)
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 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 at the rates and in the manner prescribed by the act. (1990 Code, § 6-201)

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 city manager to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1990 Code, § 6-202)
CHAPTER 4

WHOLESALE BEER TAX

SECTION
5-401. To be collected.

5-401. To be collected. The city manager is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1990 Code, § 6-301)

¹State law reference
Tennessee Code Annotated, title 57, chapter 6 provides for a tax of seventeen percent (17%) on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.
CHAPTER 5

PURCHASING

SECTION
5-501. Purchasing.

5-501. Purchasing.¹ (1) The limit above which the competitive bidding of purchases is required is increased to ten thousand dollars ($10,000.00).

(2) All purchases over two thousand five hundred dollars ($2,500.00) require the approval of the city commission. (1990 Code, § 6-501)

¹See the Comprehensive Purchasing Ordinance, adopted by Ordinance #17, which passed on final reading on April 5, 2007, in the office of the city recorder.
TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.
2. CORRECTIONAL FACILITIES.

CHAPTER 1

POLICE AND ARREST

SECTION
6-101. When police officers to make arrests.
6-102. Disposition of persons arrested.
6-103. Citations in lieu of arrest in non-traffic cases.
6-104. Summons in lieu of arrest.

6-101. When police officers to make arrests. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.
(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1990 Code, § 1-501)

6-102. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other 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 fails or refuses to post bond, he shall be confined pending his release by the city judge. In addition, if the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

\[^1\]Municipal code reference
Traffic citations, etc.: title 15, chapter 7.
(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1990 Code, § 1-502)

6-103. Citations in lieu of arrest in non-traffic cases. Pursuant to Tennessee Code Annotated, § 7-63-101 et seq., the board of commissioners appoints the fire chief in the fire department and the codes enforcement officer in the building department special police officers having the authority to issue citations in lieu of arrest. The fire chief in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The codes enforcement officer in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 4 of this municipal code of ordinances.

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

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (1990 Code, § 1-503)

6-104. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201 et seq., which authorizes the board of commissioners to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the animal control officer in the animal control department and the public works director in the public works department to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 9, chapter 8.
The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summons notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-104 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (1990 Code, § 1-504)
CHAPTER 2

CORRECTIONAL FACILITIES

SECTION
6-201. Definitions.
6-202. Permit required.
6-203. Application for a permit.
6-204 Adverse decision on a permit.

6-201. Definitions. (1) "Contractor" means any private entity under a contractual agreement with the City of Soddy-Daisy, the State of Tennessee or public authority to provide correctional services to persons under the custody of the Tennessee Department of Corrections, the sheriff of any county, the criminal, circuit, chancery, sessions, municipal, or juvenile court of any county, or who may have custody of such persons pursuant to an order of any such court. In the case of a minor, in addition to the order of a court, custody may be premised upon the contractor having legal custody of such person either by law, by order of a court, or by designation pursuant to the written permission of a parent or legal guardian.

(2) "Correctional services" means the following functions, services and activities, when provided by a contractor to persons to whom the contractor has been given legal custody:
   (a) Education, training and job programs;
   (b) Recreational, religious and other activities;
   (c) Development and implementation assistance for classification, management information systems, or other information systems or services;
   (d) Housing, food services, commissary, medical services, transportation, sanitation or other ancillary services;
   (e) Counseling, special treatment programs, or other programs for special needs; and
   (f) Operation of facilities; including management, custody of persons, and providing security.

(3) "Facility" means any structure located within the corporate limits of the City of Soddy-Daisy by a contractor for the purpose of providing correctional services, and any appurtenant structures, along with any parcel of land on which such structure or structures may be located. (1990 Code, § 1-501)

6-202. Permit required. It is unlawful for a contractor to operate a facility to provide correctional services within the City of Soddy-Daisy without a permit to do so. (1990 Code, § 1-502)
6-203. **Application for a permit.** A contractor seeking a permit to operate a facility must make application to the city for such a permit and provide such information as the city manager deems necessary to determine whether a contractor will operate the facility in such a manner so that any direct threats to the health, safety or property of other individuals or property owners are minimized. The city manager is authorized to make any reasonable request for information from the contractor seeking a permit which would be relevant to such determination. The city manager may also seek information from other governmental entities or third parties relevant to such determination. (1990 Code, § 1-503)

6-204. **Adverse decision on permit.** If the city manager's decision relative to the permit is adverse, his decision may be appealed to the city commission within seven (7) days of the city manager's written notice to the contractor making such application. Such appeal must be in writing and delivered to the city manager or city recorder. Within thirty (30) days of such appeal, the city commission will make a de novo determination on the issue of whether to issue the permit, upon the same criteria considered by the city manager. The determination of the city manager will be final, subject to any appeal rights that may be provided by state law. (1990 Code, § 1-504)
TITLE 7

FIRE PROTECTION AND FIREWORKS

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

CHAPTER 1

FIRE DISTRICT

SECTION
7-101. Fire limits described.

7-101. **Fire limits described.** The corporate fire district shall be as follows: All areas within a general business district zone. (1990 Code, § 7-101)

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1Municipal code reference
Building, utility and housing codes: title 12.
CHAPTER 2

FIRE DEPARTMENT

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

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of commissioners of the City of Soddy-Daisy. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the city manager and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1990 Code, § 7-301)

Charter references
For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

Fire chief
Appointment: § 6-21-701.
Duties: § 6-21-702.
Emergency: § 6-21-703.

Fire marshal: § 6-21-704

Firemen
Appointment: § 6-21-701.
Emergency powers: § 6-21-703.

Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.
7-202. **Objectives.** The fire department shall have as its objectives:
1. To prevent uncontrolled fires from starting.
2. To prevent the loss of life and property because of fires.
3. To confine fires to their places of origin.
4. To extinguish uncontrolled fires.
5. To prevent loss of life from asphyxiation or drowning.
6. To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1990 Code, § 7-302)

7-203. **Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1990 Code, § 7-303)

7-204. **Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the city commission each quarter, and at the end of the year a detailed annual report shall be made. (1990 Code, § 7-304)

7-205. **Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the city manager. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend any other member of the fire department when he deems such action to be necessary for the good of the department.

All personnel of the fire department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (1990 Code, § 7-305)

7-206. **Chief responsible for training.** The chief of the fire department shall be fully responsible for the training of the firemen and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1990 Code, § 7-306)

7-207. **Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, section 68-17-108, the chief of the fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1990 Code, § 7-307)
CHAPTER 3

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

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

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

(1) The Mutual Aid and Emergency Disaster Assistance Agreement Act of 2004, as amended, codified in Tennessee Code Annotated, § 58-21-601 et seq.¹
(2) Tennessee Code Annotated, § 12-9-101 et seq.²

¹State law references
Tennessee Code Annotated, § 58-8-101, et seq., the Mutual Aid and Emergency Disaster Assistance Agreement Act of 2004, which authorizes municipalities to respond to requests from other governmental entities affected by situations in which its resources are inadequate to handle. The act provides procedures and requirements for providing assistance. No separate mutual aid agreement is required unless assistance is provided to entities in other states, but a municipality may, by resolution, continue existing agreements or establish separate agreements to provide assistance. Assistance to entities in other states is still provided pursuant to Tennessee Code Annotated, § 12-9-101, et seq. "Assistance" is defined in the act as "the provision of personnel, equipment, facilities, services, supplies, and other resources to assist in firefighting, law enforcement, the provision of public works services, the provision of emergency medical care, the provision of civil defense services, or any other emergency assistance one governmental entity is able to provide to another in response to a request for assistance in a municipal, county, state, or federal state of emergency.

²State law references
Tennessee Code Annotated, § 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and
(3) Tennessee Code Annotated, § 6-54-601.1 (1990 Code, § 7-401)

(...continued)

metropolitan airport authorities which provide for firefighting service, and with individual fire departments to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide the latter with firefighting assistance. (3) Provide fire protection outside their city limits to either areas or citizens on an individual contractual basis whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided.

1Tennessee Code Annotated, § 12-9-101 et seq. is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.
CHAPTER 4

FIREWORKS

SECTION

7-401. Definitions.

7-402. Use prohibited at times relating to public display.

7-403. Use at public gatherings.

7-401. Definitions. (1) For the purpose of this chapter, "fireworks" are defined as provided in Title 68, Chapter 104 of the Tennessee Code, or any amendment thereto.

(2) For the purpose of this chapter, the prohibited zone referred to in § 7-402 begins at (and is inclusive of) the 700 block of O'Sage Drive, extending generally west along O'Sage Drive to its intersection with Dayton Pike, then generally south along Dayton Pike to its intersection with Hixson Pike, then generally east to include the 11600 block of Hixson Pike. Within such boundaries, said zone extends from the then-existing water line of Soddy Lake outward five hundred yards.

(3) For the purpose of this chapter, "public gathering" means any assembly of fifteen (15) or more persons on public property. (1990 Code, § 7-501)

7-402. Use prohibited at times relating to public display. At any time a public fireworks display is made by the City of Soddy-Daisy, the Soddy-Daisy Volunteer Fire Department, or any public or civic organization permitted or sanctioned by the City of Soddy-Daisy, the use or possession of fireworks within the prohibited zone described in § 7-401(2) by non-permitted individuals is unlawful. (1990 Code, § 7-502)

7-403. Use at public gatherings. It shall be unlawful to possess or discharge fireworks at any public gathering. (1990 Code, § 7-503)
TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
8-101. Definition of alcoholic beverages.
8-102. Consumption of alcoholic beverages on premises.
8-103. Privilege tax on retail sale of alcoholic beverages on the premises.
8-104. Annual privilege tax to be paid to city recorder.
8-105. Concurrent sales of liquor by the drink and beer.
8-106. Advertisement of alcoholic beverages.

8-101. Definition of alcoholic beverages. As used in this chapter, unless the context indicates otherwise, alcoholic beverages means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (Ord. #13, Jan. 2007)

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, Title 57, Chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Soddy-Daisy, Tennessee. It is the intent of the Board of Commissioners that the said Tennessee Code Annotated, Title 57, Chapter 4, inclusive, shall be effective in Soddy-Daisy, Tennessee, the same as if said code sections were copied herein verbatim. (Ord. #13, Jan. 2007)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, Title 57, Chapter 4,


\[1\] State law reference
Tennessee Code Annotated, title 57.
Section 301,) for the City of Soddy-Daisy to be paid annually as provided in the chapter, upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Soddy-Daisy of alcoholic beverages for consumption on the premises where sold. (Ord. #13, Jan. 2007)

8-104. Annual privilege tax to be paid to the city recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Soddy-Daisy shall remit annually to the city recorder the appropriate tax described in § 8-103. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (Ord. #13, Jan. 2007)

8-105. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the City of Soddy-Daisy, pursuant to Tennessee Code Annotated, Title 57, Chapter 4, shall be in accordance with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission. (Ord. #13, Jan. 2007)

8-106. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, Title 57, Chapter 4, shall be in accordance with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission. (Ord. #13, Jan. 2007)
CHAPTER 2

BEER

SECTION
8-201. Beer board established.
8-202. Term of office; vacancies; chairman.
8-203. Meetings of the beer board.
8-204. Record of beer board proceedings to be kept.
8-205. Requirements for beer board quorum and action.
8-206. Powers and duties of the beer board.
8-207. "Beer" defined.
8-208. Permit required for engaging in beer business.
8-209. Privilege tax.
8-210. Applications for beer permits--investigation; assistance by chief of police.
8-211. Granting of beer license.
8-212. Investigations of permit or license holders charged with certain violations: action by beer board.
8-213. Notification of beer board when license is revoked.
8-214. Violations to be reported to beer board; police, etc., to cooperate with board.
8-215. Distribution, sale, etc., lawful.
8-216. Beer permits shall be restrictive.
8-217. Consumption permits.
8-218. Sale of beer for both on premises and off premises consumption.
8-219. Limitation on number of permits.
8-220. Interference with public health, safety, and morals prohibited.
8-221. Issuance of permits to persons convicted of certain crimes prohibited.
8-222. Approval or rejection of application.
8-223. Location of premises to be designated.
8-224. When recorder may issue license.
8-225. Restrictions on certain licenses.
8-226. Licenses to be displayed.
8-227. Permit to be held by owner.
8-228. Reports by police; hearings on violations.
8-229. Possession of federal license without city license.
8-230. Retailers to purchase from wholesalers licensed by city.
8-231. Return of permit after change in ownership.

State law reference
For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).
8-201. **Beer board established.** There is hereby established a board of three (3) members to be known as "The Beer Board of the City of Soddy-Daisy, Tennessee." (1990 Code, § 2-201)

8-202. **Term of office; vacancies; chairman.** All members of the beer board shall serve at the pleasure of the board of commissioners. In event of a vacancy, the board of commissioners shall fill the same. A chairman shall be elected by the board from among its members. All members of the beer board shall serve without compensation. (1990 Code, § 2-202, modified)

8-203. **Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1990 Code, § 2-203)

8-204. **Record of beer board proceedings to be kept.** A record of the proceedings of all meetings of the beer board shall be kept. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1990 Code, § 2-204)

8-205. **Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1990 Code, § 2-205)

8-206. **Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1990 Code, § 2-206)
8-207. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1990 Code, § 2-207)

8-208. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars ($250.00). Said fee shall be payable to the City of Soddy-Daisy. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (1990 Code, § 2-208)

8-209. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax on one hundred dollars ($100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Soddy-Daisy, Tennessee. At the time a new permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1990 Code, § 2-209)

8-210. Applications for beer permits- - investigation; assistance by chief of police. The board shall make an investigation of each applicant for a permit to sell beer to determine the character of the applicant and to determine whether or not the applicant is a suitable person to be issued a license or permit and the location a suitable place within the area authorized as places for the sale of beer. The board may call upon the chief of police to make any investigation and to furnish any information necessary with regard to any applicant. It shall be the duty of the chief of police to cooperate with the beer board in making investigations of applicants and their prospective locations. (1990 Code, § 2-210)

8-211. Granting of beer license. The beer board shall in its discretion, either grant or refuse a permit or license. All applications for the renewal of a license shall be made and referred to the beer board for its consideration upon an original application. (1990 Code, § 2-211)

8-212. Investigations of permit or license holders charged with certain violations; action by beer board. When any holder of a license or permit for the sale of beer is charged with the violation of any of the laws of the state, this code or other ordinances of the city or for any reasons set out in
section of this code, it shall be the duty of the beer board to make an investigation. In order that the beer board may make necessary investigations, it is hereby given authority to issue subpoena for witnesses to appear before it for the purpose of giving testimony. The chairman is authorized to administer the oath to witnesses. The beer board, after its investigation and in its discretion, may either revoke or suspend the license of any licensee. (1990 Code § 2-212)

8-213. **Notification of beer board when license is revoked.** When a license for the sale of beer has been revoked, it shall be the duty of the city recorder to furnish the beer board with the name and location of the licensee. (1990 Code § 2-213)

8-214. **Violations to be reported to beer board; police, etc., to cooperate with board.** It shall be the duty of the police department and inspectors to report to the beer board any violations of the laws of the state, this code or other ordinances, rules and regulations of the city by any licensee. All police officers and inspectors and the recorder shall cooperate with and furnish all information requested by the beer board. (1990 Code, § 2-214)

8-215. **Distribution, sale, etc., lawful.** It shall be lawful to distribute, sell, transport, store and possess beer, including ales or other malt liquors of alcoholic content of not more than five percent (5%) by weight in the city, subject to all the regulations, limitations, and restrictions provided by Tennessee Code Annotated, title 57, chapter 5, and subject to the provisions of this title. (1990 Code, § 2-215)

8-216. **Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted by the beer board so as to authorize sales only for on and off premises consumption. A single permit may be issued for on premise and off premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1990 Code, § 2-216)

8-217. **Consumption permits.** Permits issued by the beer board shall consist of two classes:

(1) **On premises permit.** An on premises permit shall be issued for the consumption of beer only on the premises.
8-218. **Sale of beer for both on premises and off premises consumption.** A single permit may be issued to sell beer for both on premises and off premises consumption at the same location. (1990 Code, § 2-218)

8-219. **Limitation on number of permits.** There shall be no limit on the number of off premises permits. There shall be no more than one on premises permit issued and outstanding at any time for any single location. (1990 Code, § 2-219)

8-220. **Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within 500 feet of any hospital, school, church or other place of public gathering. Such distances shall be measured in a straight line from doorway entrance of the regular public ingress or egress of the building from which the beer will be sold, manufactured, or stored to the doorway entrance of the hospital, school, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church, or other place of public gathering if a valid permit has been issued to any business on that same location as of January 1, 1993. (1990 Code, § 2-220)

8-221. **Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (1990 Code, § 2-221)

8-222. **Approval or rejection of application.** The beer board shall consider each application filed, and shall grant or refuse the license and permit, according to its best judgment, under all the facts and circumstances, and endorse its action on the application. The action of the board in granting or refusing a license and permit shall be final, except as it may be subject to review at law. (1990 Code, § 2-222)
8-223. **Location of premises to be designated.** The location of the premises at which the business of the licensee will be conducted shall be designated in the license, permit and application therefor. (1990 Code, § 2-223)

8-224. **When recorder may issue license.** The city recorder shall issue no license until the application therefor has been approved by the beer board and has been instructed by the board to issue same. (1990 Code, § 2-224)

8-225. **Restrictions on certain licenses.** (1) **Hotels.** Licenses may be issued to hotels for sale and consumption on the premises in rooms where meals or lunches are served and in guests' rooms.

   (2) **Clubs and lodges.** Licenses may be issued to clubs or lodges which are regularly incorporated, operating under a charter and bylaws, whose members must pay a substantial initiation fee, and which are organized and exist for purposes other than the sale of beverages under such licenses. (1990 Code, § 2-225)

8-226. **Licenses to be displayed.** The license issued under this chapter shall be posted in a conspicuous place on the premises of the licensee. (1990 Code, § 2-226)

8-227. **Permit to be held by owner.** A permit shall be valid:

   (1) Only for the owner to whom the permit is issued and cannot be transferred to another owner. If the owner is a corporation, a change in ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner;

   (2) Only for a single location except where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may in his discretion operate some or all of such businesses pursuant to the same permit, and a permit cannot be transferred to another location. A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business;

   (3) Only for a business operating under the name identified in the permit application. (1990 Code, § 2-227)

8-228. **Reports by police; hearings on violations.** The chief of police and police officers shall notify the beer board of any violations of any of the provisions of this chapter by any person holding a license and permit, and shall notify any licensee violating any of the provisions of this chapter or other law or ordinance relating thereto to appear before the beer board following any such violation to show cause why license and permit should not be revoked. At such meeting such licensee shall be entitled to a public hearing and to introduce evidence in his behalf. The burden shall be upon the licensee at such hearing.
to show that he has not been guilty of such violation or any other offense which would justify the revocation of the license and permit. (1990 Code, § 2-228)

8-229. **Possession of federal license without city license.** The possession by any person of any federal license to sell alcoholic beverages without the corresponding city license required shall be prima facie evidence in all cases that the holder of such federal license is selling beer in violation of the provisions of this chapter. (1990 Code, § 2-229)

8-230. **Retailers to purchase from wholesalers licensed by city.** It shall be unlawful for any person holding a license for the sale at retail of beer to purchase beer from anyone other than a wholesaler or distributor licensed to carry on business in the city. (1990 Code, § 2-230)

8-231. **Return of permit after change in ownership.** A permit holder must return a permit to the city within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business name; provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of business name. (1990 Code, § 2-231)

8-232. **Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

1. Employ any minor under eighteen (18) years of age in the sale of beer for on premises consumption.
2. Make or allow any sale of beer to a person under twenty-one (21) years of age.
3. Allow any person under twenty-one (21) years of age to loiter in or about place of business.
4. Make or allow any sale of beer to intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
5. Allow drunk persons to loiter about his premises.
6. Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.
7. Fail to provide and maintain separate sanitary toilet facilities for men and women. (1990 Code, § 2-232, modified)

8-233. **Suspension and revocation of beer permits.** The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held
by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a “responsible vendor” qualified under the requirements of Tennessee Code Annotated § 57-5-606 for a clerk’s illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk’s original certification, unless the vendor’s status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor’s certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. “Clerk” means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor’s status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve-month period. The revocation shall be for three (3) years. (1990 Code, § 2-233, modified)

8-234. Civil penalty in lieu of suspension. (1) Definition. “Responsible vendor” means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the “Tennessee Responsible Vendor Act of 2006,” Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars ($1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars ($1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (1990 Code, § 2-234, modified)
8-235. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination.

8-236. Solicitations by home delivery services prohibited. Any person who is engaged in accepting orders and making deliveries of beer in the city shall be known and considered as operating a delivery service of beer, and it shall be unlawful for any person engaged in the business of delivery to solicit, either in person or by telephone, the sale or delivery of beer, or to make sales or deliveries except on calls or orders from customers. (1990 Code, § 2-235)

8-237. Permitted hours for sale of beer. Beer can be sold all hours of any day except between 3:00 A.M. and 6:00 A.M. and before 1:00 P.M. on Sundays. (1990 Code, § 2-236)

8-238. Unauthorized use or consumption of beverages on premises. No licensee whose license authorizes sale for consumption off the premises only shall sell for consumption on the premises. No licensee shall allow any liquors or other beverages of greater than five percent (5%) by weight to be brought on his premises or consumed thereon, nor shall the possession or sale of liquor be permitted on such premises. (1990 Code, § 2-237)
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER
1. PEDDLERS, SOLICITORS, ETC.
2. MASSAGE PARLORS AND TECHNICIANS.
3. CABLE TELEVISION.
4. ADULT-ORIENTED ESTABLISHMENTS.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

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

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

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

¹Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Liquor and beer regulations: title 8.
Noise reductions: title 11.

²Municipal code references
Privilege taxes: title 5.
State law references

Tennessee Code Annotated, § 62-30-101 et seq. contains permit requirements for "transitory vendors." The definition of "transitory vendor" is taken from Tennessee Code Annotated, § 67-4-709(a)(19). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of fifty dollars ($50.00) for each fourteen (14) day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

1State law references
Tennessee Code Annotated, § 62-30-101 et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 67-4-709(a)(19). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of fifty dollars ($50.00) for each fourteen (14) day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).
means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (1990 Code, § 5-201)

9-102. Exemptions. The terms of this chapter shall not apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (1990 Code, § 5-202)

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter. (1990 Code, § 5-203)

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

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

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

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

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

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

(f) Tennessee State sales tax number, if applicable.
(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars ($20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

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

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit. (1990 Code, § 5-204)

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

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

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

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

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (1990 Code, § 5-205, modified)

9-106. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (1990 Code, § 5-206)

9-107. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (1990 Code, § 5-207)
9-108. **Suspension or revocation of permit.** (1) **Suspension by the city manager.** The permit issued to any person or organization under this chapter may be suspended by the city manager for any of the following causes:

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

   (b) Any violation of this chapter.

(2) **Suspension or revocation by the board of commissioners.** The permit issued to any person or organization under this chapter may be suspended or revoked by the board of commissioners, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city manager in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1990 Code, § 5-208)

9-109. **Expiration and renewal of permit.** The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (1990 Code, § 5-209)

9-110. **Violation and penalty.** In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances. (1990 Code, § 5-210)
CHAPTER 2

MASSAGE PARLORS AND TECHNICIANS

SECTION
9-201. Definitions.
9-202. Permit required for a massage parlor; public health card required for massage technician.
9-203. Examination of massage technicians; issuance of public health card.
9-204. Massage technician permit application; renewal; fees.
9-205. Investigation of applicant for massage technician permit; grounds for denial of application.
9-206. Revocation of massage technician permit; grounds; notice to permittee.
9-207. Massage parlor permit application; renewals; fees.
9-208. Investigation of applicant for massage parlor permit; grounds for denial of application.
9-209. Investigation of premises and issuance of massage parlor permit.
9-210. Revocation of massage parlor permit; grounds; notice to permittee.
9-211. Appeals.
9-212. Right of entry.
9-215. Suspension of permit; reinstatement.
9-216. Display of permit.
9-217. Massage parlors—unlawful acts.

9-201. Definitions. For purposes of this chapter the following phrases and words shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning:

1. "Massage parlors." Any premises, place of business, or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee, or any other form of consideration, a massage, bath, body painting, or similar massage service or procedure. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath. Nor shall this definition be construed to include a barber shop or beauty salon operated by a duly licensed barber or cosmetologist, so long as any massage administered therein is limited to the head and neck.

2. "Massage" shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the
human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part of the whole human body or the muscles or joints thereof, by any physical or mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person or the application of body paint or other colorant to any person.

(3) "Massage technician." Any person who administers a massage to another at a massage parlor. (1990 Code, § 5-301)

9-202. Permit required for a massage parlor; public health card required for massage technician. (1) On and after the effective date of this chapter, it shall be unlawful for any person to establish, maintain or operate a massage parlor in the city without a valid permit issued pursuant to this chapter or any prior ordinance.

(2) That on and after the effective date of this chapter, it shall be unlawful for any person to perform the services of massage technician at a massage parlor in the city without a valid public health card and permit issued pursuant to this chapter or any prior ordinance. (1990 Code, § 5-302)

9-203. Examination of massage technicians; issuance of public health card. All persons who desire to perform the services of massage technician at a massage parlor shall first undergo a physical examination for contagious and communicable diseases, which shall include a recognized blood test for syphilis, a culture for gonorrhea, a chest X-Ray which is to be made and interpreted by a trained radiologist, and shall furnish a certificate based upon and issued within thirty (30) days of such examination by the Chattanooga-Hamilton County Health Department and stating that the person examined is either free from any contagious or communicable disease, or incapable of communicating any of such diseases to others. Such persons shall undergo the physical examination referred to above and submit to the city manager or his designee the certificate required herein within five (5) days of the commencement of their employment and at least once every six (6) months thereafter.

When there is cause to believe that the massage technician is capable of communicating any contagious disease to others, the city manager or his designee may at any time require an immediate physical examination of any such person.

The employer or any such person shall require all such persons to undergo the examination and obtain the certificate provided by this section, shall register at the place of employment the name and date of employment of each employee, and shall have the health cards and registration of all employees available for the chief of police, or the city manager, or their duly authorized representative at all reasonable times. (1990 Code, § 5-303)
9-204. Massage technician permit application; renewal; fees. Any person desiring a permit to perform the services of massage technician at a massage parlor in the city shall make application in triplicate form to the city manager or his designee, who shall immediately refer one copy of same to the chief of police. Each massage technician permit application shall be accompanied by an investigation fee of twenty-five dollars ($25.00). Each such application shall state under oath the name, address, telephone number, last previous address, date of birth, place of birth, height, weight, current and last previous employment of the applicant. In addition, such application shall include a sworn statement as to whether or not the applicant has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in any other jurisdiction.

The application shall state thereon that: "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for denial of any application or revocation of a permit."

Each applicant shall have his fingerprints taken, which fingerprints shall constitute part of the application.

A photograph of the applicant taken within sixty (60) days immediately prior to the date of application, which picture shall be not less than two by two inches (2" x 2") showing the head and shoulders of the applicant in a clear and distinguishable manner, shall be filed with the application.

Each massage technician permit shall expire one year from the date of issuance. Each renewal application shall be accompanied by an investigation fee of ten dollars ($10.00). (1990 Code, § 5-304)

9-205. Investigation of applicant for massage technician permit; grounds for denial of application. Upon receipt of the application and fee as provided for in the preceding section, the city manager or his designee shall request the chief of police to make or cause to be made a thorough investigation of the criminal record of the applicant. The result of this investigation shall be submitted to the city manager or his designee within thirty (30) days of the request.

The city manager or his designee shall deny any application for a massage technician permit under this chapter after notice and hearing if the city manager or his designee finds that the applicant has within a period of two (2) years prior to his application been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in this or any other jurisdiction. The making of a false statement on the application shall be grounds for denial of this application. Notice of the hearing before the city manager or his designee
for denial of this application shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing. (1990 Code, § 5-305)

9-206. Revocation of massage technician permit; grounds; notice to permittee. Any massage technician permit granted under this chapter shall be revoked by the city manager or his designee after notice and hearing if the permittee has within a period of two (2) years been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offense, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or chapter in this or any other jurisdiction. Discovery of a false statement on the application shall also be grounds for revocation of the permit. Notice of the hearing before the city manager or his designee for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing. (1990 Code, § 5-306)

9-207. Massage parlor permit application; renewals; fees. Any person desiring a massage parlor permit to establish, maintain, or operate a massage parlor in the city shall make application to the city manager or his designee. Each massage parlor permit application shall be accompanied by an investigation fee of fifty dollars ($50.00), payable to the city. Each massage parlor permit shall expire one (1) year from the date of issuance. Each renewal application shall be accompanied by an investigation fee of twenty-five dollars ($25.00). Each such application shall contain the name, address, telephone number of the place where the applicant proposes to operate, maintain or establish a massage parlor in the city.

In addition, such application shall include a sworn statement as to whether or not the applicant (if the applicant is a partnership or association, any partner or member thereof, or if the applicant is a corporation, any officer, director, or manager thereof, or any shareholder) has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or chapter in any other jurisdiction.

The application shall state thereon that: "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for denial of an application or revocation of a permit."

Each applicant shall have his fingerprints taken, which fingerprints shall constitute part of the application.

A photograph of the applicant taken within sixty (60) days immediately prior to the date of application, which picture shall be not less than two by two
inches (2" x 2") showing the head and shoulders of the applicant in a clear and
distinguishable manner, shall be filed with the application. (1990 Code, § 5-307)

9-208. Investigation of applicant for massage parlor permit; grounds for denial of application. Upon receipt of the application and fee as provided for in the preceding section, the city manager or his designee shall request the chief of police to make or cause to be made a thorough investigation of the criminal record of the applicant (if the applicant is a partnership or association, all partners or members thereof, or if the applicant is a corporation all officers, directors, and managers thereof and all shareholders). The result of this investigation shall be submitted to the city manager or his designee within thirty (30) days of the request.

The city manager or his designee shall deny any application for a massage parlor permit under this chapter after notice and hearing if the city manager or his designee finds that the applicant (if the applicant is a partnership or association, any partner or member thereof, or if the applicant is a corporation, any officer, director, or manager thereof or shareholder) has within a period of two (2) years prior to application been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in this or any other jurisdiction. The making of a false statement on the application shall also be grounds for denial of this application. Notice of the hearing before the city manager or his designee for denial of this application shall be given in writing setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing. (1990 Code, § 5-308)

9-209. Investigation of premises and issuance of massage parlor permit. The city manager or his designee before issuing any massage parlor permit, shall cause an investigation to be made of the premises named and described in the application for a massage parlor permit under this chapter for the purpose of determining whether the massage parlor complies with the provision of this chapter, the zoning ordinances, all building, fire, plumbing and electrical codes and for this purpose a copy of the application shall immediately be referred to the building official to make or cause to be made a thorough investigation of the premises and the result of this investigation and whether said premises comply with the zoning, building, fire, plumbing and electrical codes, shall be submitted to the city manager or his designee within thirty (30) days of the request. (1990 Code, § 5-309)

9-210. Revocation of massage parlor permit; grounds; notice to permittee. Any massage parlor permit granted under this chapter shall be removed by the city manager or his designee after notice and hearing if the
permittee (if the permittee is a partnership or association, any partner or member thereof, or if the permittee is a corporation, any officer, director or manager thereof or shareholder) has within a period of two (2) years been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or chapter in this or any other jurisdiction. Discovery by the city manager or his designee of a false statement on the application shall also be grounds for revocation of the permit. Notice of the hearing before the city manager or his designee for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing. (1990 Code, § 5-310)

9-211. Appeals. Any applicant or permittee aggrieved by the actions of the city manager or his designee in the denial of an application for massage parlor permit or massage technician permit, or by the decision of the city manager or his designee with reference to the revocation or suspension of a massage establishment permit or massage technician permit, shall have the right of appeal to the board of commissioners. Such appeal shall be taken by filing with the city manager, within ten (10) days after the action complained of has been taken, a written statement setting forth fully the grounds for appeal. The city manager shall forthwith notify the board of commissioners, which shall schedule a public hearing and shall give notice of such hearing to the appellant. The board of commissioners may reverse or affirm, or may modify any decision of the city manager or his designee, and may make such decisions or impose such conditions as the facts may warrant; and it may order that a permit be granted, suspended or revoked. The decision and order of the board of commissioners on such appeal shall be final and conclusive. (1990 Code, § 5-311)

9-212. Right of entry. The chief of police or the city manager or his designee or their duly authorized representatives are hereby authorized to enter, examine and survey any premises in the city for which a massage parlor permit has been issued pursuant to this chapter to enforce the provisions of this chapter, and for no other purpose. Should the authority to inspect premises be delegated to another person, such person shall be provided with written delegation of authority to be shown to the permittee upon request at the time of inspection. If such inspection reveals conditions which in the opinion of the inspector warrants a more thorough inspection by the building official, the Chattanooga-Hamilton County Health Department, The Bureau of Fire Prevention, or similar person or agency charged with responsibility for the enforcement of particular health and safety ordinances or laws of the City of Soddy-Daisy, or the State of Tennessee, he shall report such conditions to such
person or agency and request that said premises be examined and any findings be reported to the chief of police and the city manager or his designee. This section shall not be deemed to restrict or to limit the right of entry otherwise vested in any law enforcement officers or other employees of the City of Soddy-Daisy, or the State of Tennessee, charged with the enforcement of health and safety or criminal laws, wherein such right of entry is vested by other ordinances or laws. (1990 Code, § 5-312)

9-213. Minimum standards for massage parlors. No massage parlor shall be operated, established or maintained in the city that does not comply with the following minimum standards:

(1) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials shall be disinfected after use on each patron.

(2) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.

(3) Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.

(4) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.

(5) Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

(6) Adequate bathing, dressing, locker and toilet facilities shall be provided for the patrons to be served at any given time. Separate bathing, dressing, locker and toilet facilities shall be provided for male and females patrons.

(7) All walls, ceilings, floors, pools, showers, bathtubs, stream-rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

(8) The premises shall be equipped with a service sink for custodial services.

(9) Eating in the massage work areas shall not be permitted.

(10) Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas.

(11) No massage parlor shall employ a massage technician who does not comply with the provisions of this chapter. (1990 Code, § 5-313)
9-214. **Individual health requirements for massage technicians.** No massage technician shall administer massage at a massage parlor who does not comply with the following individual health requirements;

(1) No massage technician shall administer a massage if such massage technician knows or should know that he or she is not free of any contagious or communicable disease.

(2) No massage technician shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption; provided that a physician duly licensed by the State of Tennessee may certify that such person may be safely massaged prescribing the conditions thereof.

(3) Each massage technician shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron. (1990 Code, § 5-314)

9-215. **Suspension of permit; reinstatement.** If the chief of police or the city manager, or their duly authorized representatives find that a massage parlor or a massage technician is not in compliance with the requirements set forth in this chapter, or the permittee has refused the chief of police, the city manager, or their duly authorized representatives, the right to enter the premises to enforce the provisions of this chapter, upon report to the city manager or his designee he may enter an order for the immediate suspension of the massage parlor permit or massage technician permit, as the case may be, until such time as he finds that the reason for such suspension no longer exists. A copy of the order shall be sent to the massage parlor and/or the massage technician at his or her place of business by certified mail, which order shall set forth the reasons for the suspension. No person shall operate a massage parlor or perform the services of a massage technician at a massage parlor when subject to an order of suspension. The city manager or his designee shall reinstate a suspended permit when he has been satisfied that the massage parlor or massage technician complies with the applicable provisions of this chapter. (1990 Code, § 5-315)

9-216. **Display of permit.** Every person to whom a massage permit shall have been granted shall display said massage parlor permit in a conspicuous place in the massage parlor or establishment so that it may be readily seen by persons entering the premises.

Every person to whom a massage technician permit shall have been granted shall, while in massage parlor, carry on his or her person or display in a conspicuous place in the massage parlor or establishment the massage technician permit. (1990 Code, § 5-316)

9-217. **Massage parlors--unlawful acts.** (1) It shall be unlawful for any person in a massage parlor to place his or her hands upon or to touch with
any part of his or her body, or to fondle in any manner, or to massage, a sexual or genital part of any other person.

(2) It shall be unlawful for any person in a massage parlor to expose his or her sexual or genital parts, or any portion thereof, to any other person of the opposite sex.

(3) It shall be unlawful for any person while in the presence of any other person of the opposite sex in a massage parlor to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body.

(4) It shall be unlawful for any person owning, operating or managing a massage parlor knowingly to cause, allow, or permit in or about such parlor, any agent, employee, or any other person under his control or supervision, to perform such acts prohibited in this chapter.

(5) Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breast of a female.

(6) Every person owning or managing a massage parlor shall post a copy of this chapter in a conspicuous place in the massage parlor so that it may be readily seen by persons entering the premises.

(7) It shall be unlawful for any massage parlor to provide massage services at any time between the hours of 9:00 P.M. and 7:00 A.M. and on Sundays. However, it shall be lawful for such establishments to remain open for the transaction of other lawful business.

(8) The administering of massages shall not be conducted in private rooms or areas, but shall be conducted in separate general areas for males and females or if the same general area is used by both male and female customers, then different times for such separate use shall be designated and posted. (1990 Code, § 5-317)

9-218. Penalty. Any person violating any of the provisions of this chapter, upon conviction by the court, shall be punished according to the general penalty provisions of this municipal code of ordinances. (1990 Code, § 5-318)
CHAPTER 3
CABLE TELEVISION

SECTION
9-301. To be furnished under franchise.

9-301. To be furnished under franchise. Cable television shall be furnished to the City of Soddy-Daisy and its inhabitants under franchise granted to Comcast Cable, by the board of commissioners of the City of Soddy-Daisy, Tennessee. The rights, powers, duties and obligations of the City of Soddy-Daisy and its inhabitants are clearly stated in the franchise agreement executed by and which shall be binding upon the parties concerned.¹ (1990 Code, § 13-401, modified)

¹Cable television franchise agreements are of record in the office of the city recorder.
CHAPTER 4

ADULT-ORIENTED ESTABLISHMENTS

9-402. License required.
9-403. Application for license.
9-404. Standards for issuance of license.
9-405. Permit required.
9-406. Application for permit.
9-408. Fees.
9-409. Display of license or permit.
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9-412. Hours of operation.
9-413. Responsibilities of the operator.
9-415. Penalties and prosecution.
9-416. Invalidity of part.

9-401. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(2) "Adult bookstore" means an establishment receiving at least 20% of its gross sales from the sale or rental of books, magazines, periodicals, videotapes, DVD's films and other electronic media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below.
"Adult bookstore" shall not include video stores whose primary business is the rental and sale of videos which are not distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(3) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting materials having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by any means by patrons therein.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by any means by patrons therein.

(5) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(6) "Board of Commissioners" means the Board of Commissioners of the City of Soddy-Daisy, Tennessee.

(7) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

(8) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(9) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.
(10) "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified sexual activities" means:
(a) Human genitals in a state of actual or simulated sexual stimulation or arousal;
(b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;
(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(12) "Specified anatomical areas" means:
(a) Less than completely and opaquely covered:
   (i) Human genitals, pubic region;
   (ii) Buttocks;
   (iii) Female breasts below a point immediately above the top of the areola; and
(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered. (Ord. #21, May 2007)

9-402. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of Soddy-Daisy without first obtaining a license to operate issued by the City of Soddy-Daisy.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(5) All existing adult-oriented establishments at the time of the passage of the ordinance comprising this chapter must submit an application for a license within on hundred twenty (120) days of the passage of the ordinance comprising this chapter on second and final reading. If a license is not issued within said one hundred twenty day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premises are lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with. (Ord. #21, May 2007)

9-403. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police
Chief of the City of Soddy-Daisy. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

(2) An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five (5) percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

(a) Name and addresses, including all aliases.
(b) Written proof that the individual(s) is at least eighteen (18) years of age.
(c) All residential addresses of the applicant(s) for the past three (3) years.
(d) The applicants' height, weight, color of eyes and hair.
(e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.
(f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
(g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
(h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of each applicant.
(i) The address of the adult-oriented establishment to be operated by the applicant(s).
(j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.
(k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.
(l) The length of time each applicant has been a resident of the City of Soddy-Daisy, or its environs, immediately preceding the date of the application.
(m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and
address of the registered agent and the name and address of each member of the limited liability entity.

(n) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address, phone number, and representative's name.

(p) Evidence in form deemed sufficient to the city that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Soddy-Daisy Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the police chief shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the commissioners.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of commissioners at which time the applicant may present evidence as to why his/her license should not be denied. The board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the board of commissioners and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Hamilton County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he
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or she is ineligible for such license and shall be grounds for denial thereof by the Police Chief. (Ord. #21, May 2007)

9-404. Standards for issuance of license. (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:
   (i) The applicant shall be at least eighteen (18) years of age.
   (ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
   (iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:
   (i) All officers, directors and stockholders required to be named under § 9-403 shall be at least eighteen (18) years of age.
   (ii) No officer, director or stockholder required to be named under § 9-403 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:
   (i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
   (ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
   (iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the Soddy-Daisy Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the police chief no later than twenty (20) days after the date of the application. (Ord. #21, May 2007)
9-405. **Permit required.** In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief. (Ord. #21, May 2007)

9-406. **Application for permit.** (1) Any person desiring to secure a permit shall make application to the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

(2) The application for a permit shall be upon a form provided by the police chief. An applicant for a permit shall furnish the following information under oath:

(a) Name and address, including all aliases.
(b) Written proof that the individual is at least eighteen (18) years of age.
(c) All residential addresses of the applicant for the past three years.
(d) The applicant's height, weight, color of eyes, and hair.
(e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
(f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.
(g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
(h) Fingerprints and two (2) portrait photographs at least two inches by two (2) inches of the applicant.
(i) The length of time the applicant has been a resident of the City of Soddy-Daisy, or its environs, immediately preceding the date of the application.
(j) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Soddy-Daisy Police Department, the police chief shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the police chief shall advise the applicant in writing whether the application is granted or denied.
(4) Whenever an application is denied or held for further investigation, the Police Chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of commissioners at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the police chief. (Ord. #21, May 2007)

9-407. Standards for issuance of permit. (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:
   (a) The applicant shall be at least eighteen (18) years of age.
   (b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.
   (c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.
(2) No permit shall be issued until the Soddy-Daisy Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the police chief not later than twenty (20) days after the date of the application. (Ord. #21, May 2007)

9-408. Fees. (1) A license fee of five hundred dollars ($500.00) shall be submitted with the application for a license. If the application is denied, one-half (½) of the fee shall be returned.
   (2) A permit fee of one hundred dollars ($100.00) shall be submitted with the application for a permit. If the application is denied, one-half (½) of the fee shall be returned. (Ord. #21, May 2007)

9-409. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.
   (2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Soddy-Daisy Police Department, or any person designated by the board of commissioners. (Ord. #21, May 2007)
9-410. **Renewal of license or permit.** (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of commissioners.

(2) A license renewal fee of five hundred dollars ($500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars ($100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (½) of the total fees collected shall be returned.

(3) If the Soddy-Daisy Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the police chief.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the employee. The application for renewal shall be upon a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of commissioners.

(5) A permit renewal fee of one hundred dollars ($100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars ($50.00) shall be assessed against the applicant who files for renewal less that sixty (60) days before the license expires. If the application is denied one-half (½) of the fee shall be returned.

(6) If the Soddy-Daisy Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief. (Ord. #21, May 2007)
9-411. Revocation of license or permit. (1) The police chief shall revoke a license or permit for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the board of commissioners pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the board of commissioners shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

(e) An operator employs an employee who does not have a permit or provide space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

(i) Any operator allows continuing violations of the rules and regulations of the Hamilton County Health Department.

(j) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The police chief, before revoking or suspending any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the board of commissioners, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.
(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator. Such license shall thereby become null and void.

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license. (Ord. #21, May 2007)

9-412. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Mondays through Saturdays, and between the hours of 1:00 A.M. and 12:00 P.M. on Sundays.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Soddy-Daisy Police Department, the Hamilton County Sheriff's Department, or such other persons as the board of commissioners may designate. (Ord. #21, May 2007)

9-413. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the board of commissioners. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the Soddy-Daisy Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.
(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Soddy-Daisy Police Department at all reasonable times.

(6) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(9) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is Regulated by the City of Soddy-Daisy Municipal Code. Entertainers are:
(a) Not permitted to engage in any type of sexual conduct;
(b) Not permitted to expose their sex organs;
(c) Not permitted to demand or collect all or any portion of a fee for entertainment before its completion. (Ord. #21, May 2007)

9-414. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.
(3) No operator, entertainer, or employee shall encourage or permit any other person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals.

(4) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

(5) No entertainer, employee or customer shall be permitted to have any physical contact with any other person on the premises during any performance and all performances shall only occur upon a stage at least eighteen (18") inches above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer. (Ord. #21, May 2007)

9-415. Penalties and prosecution. (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars ($50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (Ord. #21, May 2007)

9-416. Invalidity of part. Should any court of competent jurisdiction declare any section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause, or provision of this chapter. (Ord. #21, May 2007)
TITLE 10

ANIMAL CONTROL

CHAPTER
1. ANIMALS AND FOWLS IN GENERAL.
2. DOGS.

CHAPTER 1

ANIMALS AND FOWLS IN GENERAL

SECTION
10-101. Livestock at large prohibited. 
10-102. Dangerous, mischievous animals at large prohibited. 
10-103. Fowl running at large. 
10-104. Keeping or possessing swine or goats. 
10-105. Unhealthy and offensive conditions. 
10-106. Noisy animals and fowl prohibited. 
10-108. Storage of food. 
10-109. Seizure and disposition of animals. 
10-110. Violations. 
10-111. Enforcement.

10-101. Livestock at large prohibited. It shall be unlawful for any person owning or controlling any cattle, horses, mules, sheep, goats or hogs to allow such animals to run at large in the streets or on any unenclosed lots in the city. (1990 Code, § 3-101)

10-102. Dangerous, mischievous animals at large prohibited. It shall be unlawful for any person owning or controlling a dangerous or mischievous animal to permit such animal to run at large in the city. (1972 Code, § 3-102)

10-103. Fowl running at large. It shall be unlawful for the owner of any chicken or other fowl to permit it to run at large or upon the premises of any other person in the city. (1972 Code, § 3-103)

10-104. Keeping or possessing swine or goats. (1) It shall be unlawful for any person to keep or possess swine within the city; provided however, that where any person owns or has leased a tract of land containing two (2) contiguous acres or more within the city, such person may keep or possess swine on such property, consistent with any city ordinances prohibiting public nuisances.
Effective June 17, 2005, it shall be unlawful for any person to keep or possess goats within the city; provided however, that where any person owns, has leased or has the permission of a contiguous landowner so that a contiguous one (1) acre of land within the city is provided thereby, such person may keep or possess goats on such property, consistent with any city ordinances prohibiting public nuisances.

Effective June 17, 2008, it shall be unlawful for any person to keep or possess goats within the city; provided however, that where any person owns, has leased or has the permission of a contiguous landowner so that a contiguous one (1) acre of land within the city is provided thereby, such person may keep or possess no more than sixteen (16) goats on such property. If a person keeps goats on a tract of land he or she owns or has leased in the city containing two (2) contiguous acres or more, the limit established by this paragraph is inapplicable, consistent with any city ordinances prohibiting public nuisances.

Effective June 17, 2011, it shall be unlawful for any person to keep or possess goats within the city; provided however, that where any person owns, has leased or has the permission of a contiguous landowner so that a contiguous one (1) acre of land within the city is provided thereby, such person may keep or possess no more than eight (8) goats on such property. If a person keeps goats on a tract of land he or she owns or has leased in the city containing two (2) contiguous acres or more, the limit established by this paragraph is inapplicable, consistent with any city ordinances prohibiting public nuisances.

Effective June 17, 2014, it shall be unlawful for any person to keep or possess goats within the city; provided however, that where any person owns or has leased a tract of land containing two (2) contiguous acres or more within the city, such person may keep or possess goats on such property, consistent with any city ordinances prohibiting public nuisances.

The land in question for the application of subsections (1) or (2) must otherwise be appropriately zoned for the raising of livestock. (1990 Code, § 3-104)

### Unhealthy and offensive conditions

Any person owning or controlling any animal or fowl shall keep his property free of any unhealthy or unsanitary conditions or any offensive odors. (1972 Code, § 3-105)

### Noisy animals and fowl prohibited

No person shall own, keep or harbor any animal or fowl which by loud and frequent noise annoys or disturbs the peace of and quiet of any neighborhood. (1972 Code, § 3-106)

### Storage of food

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1972 Code, § 3-108, modified)

### Seizure and disposition of animals

Any animal or fowl found running at large or otherwise being kept in violation of this chapter may
be seized by any police officer or other properly designated officer or official and
confined in a pound provided or designated by the board of commissioners. 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 five (5) days by
paying the pound costs or the same will be humanely destroyed or sold. If not
claimed by the owner, the animal or fowl shall be sold or humanely destroyed,
or it may otherwise be disposed of as authorized by the board of commissioners.

The pound keeper shall collect from each person claiming an impounded
animal or fowl reasonable fees, in accordance with a schedule approved by the
board of commissioners, to cover the costs of impoundment and maintenance.
(1972 Code, § 3-110)

10-109. Violations. Any person, firm or corporation who shall violate
any of the provisions of this chapter shall be punished according to the general
penalty provisions of this municipal code of ordinances. (1972 Code, § 3-111)

10-110. Enforcement. The provisions of this title shall be enforced by
animal wardens to be appointed by the city manager, or by police officers of the
city, or by the Humane Society of Chattanooga, Hamilton County, Tennessee,
under contract with the City of Soddy-Daisy, or by any other agency with which
the board of commissioners of the City of Soddy-Daisy may contract for the
enforcement of the provisions of this chapter. Said agents or such agencies shall
have full power to serve summons, citations, and warrants for violations of the
provisions of title 3 or to make arrests for offenses in violation of the provisions
of this title. (1972 Code, § 3-108)
CHAPTER 2

DOGS

SECTION
10-201. Enforcement of chapter; obstructing enforcement.
10-202. Registration required; exception.
10-203. Who deemed owner.
10-204. License tag.
10-205. Registration fees.
10-206. Running at large.
10-207. Taking possession of, harboring dogs at large.
10-208. Inoculation required.
10-209. Inoculation prerequisite to license.
10-210. Inoculation records required; tags.
10-211. Impounding, destruction of violating dogs authorized.
10-212. Care while in custody.
10-213. Owner of registered dog to be notified of impounding.
10-214. Redemption of impounded dogs by owner; fees.
10-216. Disposition of unclaimed dogs.
10-217. Detention where rabies suspected.
10-218. Disposition of fees.
10-220. Failure to feed and water impounded animals.
10-221. Transporting in inhumane manner.
10-222. Female dogs.
10-223. Destruction of unfit animals.
10-225. Disposition of vehicles used or loaded in violation of chapter.

10-201. **Enforcement of chapter; obstructing enforcement.** The Hamilton County Humane Society (hereinafter referred to as poundkeeper), the Soddy-Daisy Police Department, Codes Enforcement Official, the city manager or his designee shall enforce the provisions of this chapter and shall have the power to make arrests for the violation thereof. It shall be unlawful for any person to hinder, molest or interfere with the poundkeeper in the performance of his duties hereunder. (1990 Code, § 3-201)

10-202. **Registration required; exception.** The owner of every dog over the age of three (3) months in the city shall register such dog annually with the poundkeeper. The poundkeeper shall state upon each certificate for registration or renewal thereof the sex, breed, age, color and name of the dog, together with its markings, if any, the name and address of the owner, and the
date of registration. Such registration shall expire one (1) year from the date of issue. After the first day of May each year owners of dogs who have failed to register such animals shall be deemed delinquent.

The provisions of this section shall not apply to nonresidents of the city who are traveling through the city or temporarily sojourning therein for a period of less than thirty (30) days, nor to persons bringing dogs into the city exclusively for show or exhibition purposes. (1990 Code, § 3-202)

10-203. Who deemed owner. If any dog is found on the premises of any person for a period of ten (10) days or more, this shall be prima facie evidence that such dog belongs to the occupant of such premises. Any person keeping or harboring a dog for ten (10) consecutive days shall, for the purposes of this chapter, be declared to be the owner thereof and liable for violations of this chapter. (1990 Code, § 3-203)

10-204. License tag. The poundkeeper or the City of Soddy-Daisy shall issue a metal license tag for each dog registered as provided herein, marked "Registered, 20__, City of Soddy-Daisy, No. _____." Such tag shall be fastened to the dog's collar and worn by the dog when off the premises of its owner or custodian. It shall be unlawful for any person to use a tag on a dog for which such tag was not issued. (1972 Code, § 3-204)

10-205. Registration fees. The owner of each dog registered shall pay to the poundkeeper a registration fee of five dollars ($5.00), except that no registration fee shall exceed twenty-five dollars ($25.00) per year. (1972 Code, § 3-205)

10-206. Running at large. It shall be unlawful for any person to allow any dog belonging to him or under his control or habitually found on premises occupied by him or immediately under his control to go upon the premises of another, or upon any public street or sidewalk or other public property in the city, unless such dog is attended by the owner or his representative or under the control, as provided herein, such dog shall not be more than fifty (50) feet away from the owner or representative and immediately responsive to his call. All dogs shall be on a leash whenever in a city park or on other city maintained recreational property. Any dog found running at large in violation of this section and any dog required to be registered found at large unregistered, whether or not in violation of this section, is declared to be a nuisance and liable to seizure and disposal as provided in this chapter. (Ord. #4, July 2006)

10-207. Taking possession of, harboring dogs at large. It shall be unlawful for any person in the city to harbor or keep in his possession or under his control any dog, whether or not tagged and registered, found running at large, except for the purpose of notifying the poundkeeper or the owner and
holding such dog until the poundkeeper or owner demands it. Any person taking possession of any dog shall, within twenty-four (24) hours thereafter, notify the poundkeeper or owner of his action and advise him where such dog may be found. (1990 Code, § 3-207)

10-208. **Inoculation required.** Any person who owns, keeps or harbors a dog within the city shall have such dog properly inoculated or immunized against rabies, and shall, each year, have such dog reinoculated. Any person who obtains an uninoculated dog shall at once have such dog properly inoculated against rabies and have such inoculation repeated yearly; provided that, dogs need not be inoculated before reaching the age of three (3) months; provided, further, that, the provisions of this section shall not apply to nonresidents of the city traveling through or temporarily sojourning in the city for a period of not more than thirty (30) days, nor to persons bringing dogs to the city exclusively for show or exhibition purposes; provided, further, that, the owner of such dogs shall keep them confined.

No person shall bring a dog into the city for sale, exchange or giving away unless such dog has been inoculated by a veterinarian of the state in which the owner lives or by some person authorized to make vaccinations and the owner of such dog has in his possession a certificate of the person making the vaccination or inoculation; unless such dog is kept confined or on a leash. (1990 Code, § 3-208)

10-209. **Inoculation prerequisite to license.** No dog license required by this chapter shall be issued for any dog unless the owner thereof furnishes a valid certificate that such dog has been inoculated or immunized against rabies within the previous twelve (12) months. (1990 Code, § 3-209)

10-210. **Inoculation records required; tags.** Any person who inoculates or reinoculates a dog against rabies shall keep a record of such inoculation or reinoculation, which record shall be subject to inspection by the director of health or his representatives, and shall provide the owner of the dog with an approved tag, which shall have thereon, indelible or engraved, the year of inoculation and a number which shall correspond with the number on the record kept by the person inoculating or reinoculating such dog. Such tag shall be securely fastened to the collar worn by the dog. (1990 Code, § 3-210)

10-211. **Impounding, destruction of violating dogs authorized.** The poundkeeper shall take up and impound any dog found running at large in violation of this chapter; provided that, if any dog so found is sick, injured or of a vicious nature, the poundkeeper may humanely destroy such dog immediately. If, in the attempt to seize any dog, it becomes impossible to secure it with the hands, the poundkeeper, if convinced that the seizure of the dog is necessary to the public welfare and safety, may destroy it by shooting it, provided he is close
enough to the animal to kill it humanely and so far removed from any bystander that no human life may be imperiled by the act. (1990 Code, § 3-212)

10-212. Care while in custody. The poundkeeper shall provide clean, comfortable and sanitary quarters for all dogs, keeping males and females and vicious dogs in separate stalls, and shall provide a liberal allowance of wholesome food and fresh, clean water and clean bedding. (1990 Code, § 3-211)

10-213. Owner of registered dog to be notified of impounding. If any dog or cat is seized and as provided in this chapter is registered, the poundkeeper shall give notice by telephone or by registered United States mail to the address of the owner given on the registration record, within forty-eight (48) hours after the seizure of such dog or cat. (1990 Code, § 3-213)

10-214. Redemption of impounded dogs by owner; fees. The owner of a registered dog or cat may claim and redeem it by paying the poundkeeper an impoundment fee as established. The owner of an unregistered dog or cat may claim and redeem it upon payment of the registration fee required by § 10-205 of this code and the impoundment fee. (1990 Code, § 3-214)

10-215. Release to persons not owners. An unclaimed dog may be redeemed by a person other than the owner thereof upon payment of the registration fee provided in § 10-205 of this chapter, if such dog is unregistered, and the impoundment fee and board for each day of detention as provided; provided that, such person shall furnish two (2) satisfactory references and sign a written agreement that the dog will be cared for humanely and returned to the pound if the poundkeeper demands. Such person shall also agree that in the event the owner of such dog claims it within a period of thirty (30) days, upon demand of the poundkeeper and the payment by the owner to the poundkeeper for the use and benefit of such person and board for the period that such person has cared for the dog at one dollar ($1.00) per day, such dog will be returned to the poundkeeper, who shall return it to the owner. Dogs shall not be released to persons other than their owners for any other purpose than to serve as pets or watchdogs. (1990 Code, § 3-215)

10-216. Disposition of unclaimed dogs. Any registered dog impounded shall be kept for a period of three (3) days after notice to the owner, and if not redeemed within such period may be humanely destroyed or otherwise disposed of. Any unregistered dog impounded shall be kept for three (3) days and if not claimed or redeemed shall be humanely destroyed or otherwise dispose of. (1990 Code, § 3-216)

10-217. Detention where rabies suspected. Every dog which has bitten humans or has been exposed to rabies or which is suspected of having
rabies shall be impounded for a period of ten (10) days or more by the poundkeeper, or, at the option of the owner of such dog, shall be detained in a reputable veterinary hospital on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the payment of the charges while such dog is confined therein. During such confinement the dog shall be under the observation and supervision of the director of health, and it shall be released or humanely destroyed by the poundkeeper after the termination of the observation period according to instructions from the director of health. The director may order the poundkeeper to destroy such dog at any time during the period of observation if evidence is such as to convince the director that the dog has rabies. During the period of observation, the owner of such dog shall be liable for board fees, as provided in § 10-214 of this chapter, if such dog is confined at the pound. (1990 Code, § 3-217)

10-218. Disposition of fees. All fees collected under this chapter shall be used for the enforcement of its provisions. (1990 Code, § 3-218)

10-219. Wilful acts. It shall be unlawful for any person in the city wilfully to set on foot, instigate, move to carry on, promote, engage in or do any act toward the furtherance of any act of cruelty to any animal. (1990 Code, § 3-220)

10-220. Failure to feed and water impounded animals. It shall be unlawful for any person whom impounds or causes to be impounded any animal in any pound or other place in the city to fail to supply to such animal during such confinement a sufficient quantity of good and wholesome food and water. If any animal is at any time impounded as provided herein, and continues to be without necessary food and water for more than twelve (12) successive hours, it shall be lawful for any person, from time to time, and as often as it shall be necessary, to enter into and upon the premises where such animal is confined, and to supply it with necessary food and water so long as it remains so confined, and such person shall not be liable to any action for such entry. (1990 Code, § 3-221)

10-221. Transporting in inhumane manner. It shall be unlawful for any person in the city to carry or cause to be carried in or upon any vehicle or other conveyance any animal in a cruel or inhumane manner. (1990 Code, § 3-222)

10-222. Female dogs. Every owner of a female dog in season is required to confine the same in such manner as not to attract other dogs for twenty-four (24) days during the time she is in season. (1990 Code, § 3-223)
10-223. **Destruction of unfit animals.** Every animal in the city which is unfit, by reason of its physical condition, for the purposes for which such animals are usually employed or used, when there is no reasonable probability of its ever becoming fit for such purposes, shall be deemed to be a nuisance and shall be deprived of its life by the owner or lawful possessor of such animal within twelve (12) hours after being notified by a police officer or officers of any incorporated society for the prevention of cruelty to animals to kill the same. When any such owner or possessor fails to comply with such an order, upon his conviction, the judgment of the court, in addition to imposing any other penalty provided by law, shall order a police officer or officer of an incorporated society for the prevention of cruelty to animals immediately to kill such animal. (1990 Code, § 3-224)

10-224. **Powers of humane societies.** Any officer, agent or member of any society incorporated for the prevention of cruelty to animals may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence, and it shall be unlawful for any person to interfere with or obstruct any such officer, agent or member in the discharge of his duty. The agents of any such society, upon appointment by the president thereof, may make arrests and bring before the city judge persons found violating the provisions of this chapter. (1990 Code, § 3-225)

10-225. **Disposition of vehicles used or loaded in violation of chapter.** When any person is taken into custody by an officer authorized so to do for transporting any animal in a vehicle or other conveyance, or overloading a vehicle drawn by an animal, in a cruel or inhumane manner, such officer may take charge of such vehicle or other conveyance and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the chief of police, who shall thereupon assume the custody thereof. Any such officer may, in lieu of arresting the person in charge of a vehicle overloaded as provided herein, order him to remove therefrom at once so much of the weight as may in his judgment be necessary to relieve the overburdened animal attached thereto. (1990 Code, § 3-226)
TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER
1. ALCOHOL.
2. GAMBLING, FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
8. DANGEROUS CONDITIONS ON PROPERTY.
9. OTHER OFFENSES.
10. FALSE EMERGENCY ALARMS.
11. CURFEW FOR MINORS.

CHAPTER 1

ALCOHOL²

SECTION
11-102. Drinking alcoholic beverages in public, etc.
11-103. Minors in beer places.

11-202. Public intoxication. A person commits the offense of public intoxication who appears in a public place under the influence of a controlled substance or any other intoxicating substance to the degree that:
(1) The offender may be endangered;
(2) There is endangerment to other persons or property; or
(3) The offender unreasonably annoys people in the vicinity. (1990 Code, § 10-201, modified)

¹Municipal code references
Housing and utility codes: 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.
11-102. **Drinking alcoholic beverages in public, etc.** It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1990 Code, § 10-202)

11-103. **Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on-premises consumption, except in places issued a class 1 beer permit. (1972 Code, § 10-203)
CHAPTER 2

GAMBLING, FORTUNE TELLING, ETC.

SECTION

11-201. Gambling prohibited.
11-202. Promotion of gambling.
11-203. Fortune telling, etc.

11-201. Gambling prohibited. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1990 code, § 10-301)

11-202. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1970 code, § 10-302)

11-203. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1990 Code, § 10-303)
CHAPTER 3
OFFENSES AGAINST THE PERSON

SECTION
11-301. Coercing people not to work.

11-301. 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. (1990 code, § 10-402)
CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION
11-401. Disturbing the peace.
11-402. Anti-noise regulations.
11-403. Restriction of play at recreational parks.

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. (1990 Code, § 10-501)

11-402. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the
quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

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

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

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

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

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

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

(1990 code, § 10-502)

**11-403. Restrictions of play at recreational parks.** Use of city recreational facilities within a 275-foot radius of any church will not be permitted on Sunday between the hours of 9:00 A.M. and 1:00 P.M. (Ord. #5, July 2006, as amended by Ord. #19, April 2007)
CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION
11-501. Escape from custody or confinement.
11-502. Resisting or interfering with an officer.
11-503. Impersonating a government officer or employee.
11-504. False emergency alarms.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1990 Code, § 10-601)

11-502. Resisting or interfering with an officer. It shall be unlawful for any person knowingly to physically resist or in any way physically interfere with or attempt to physically interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his city duties. (1990 Code, § 10-602)

11-503. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1990 Code, § 10-603)

11-504. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1990 Code, § 10-604)
CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION
11-601. Discharging firearms restricted.
11-602. Air rifles, etc.

**11-601. Discharging firearms restricted.** It shall be unlawful for any person to discharge firearms within the corporate limits of the City of Soddy-Daisy unless in self defense or in the execution of law. This section shall not apply to a regulated target range, to any hunting during legal hunting season by a licensed hunter, to a charitable ham or turkey shoot or of a event of a similar nature. The foregoing exception relating to hunting does not apply to hunting in a congested or populated area where there is an unreasonable threat of personal injury or death from the discharge of firearms. No charitable ham or turkey shoot shall be allowed unless the site of the shoot is inspected and a permit is obtained from the chief or police or his designee. In issuing the permit, the chief of police or his designee will ascertain whether the site and layout of the shoot will pose an unreasonable threat of death or personal injury to persons in the area. The city manager will fix an appropriate fee for said permit in order to cover the cost of the inspection. (1990 Code, § 10-701)

**11-602. Air rifles, etc.** It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1990 Code, § 10-702)
CHAPTER 7
TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION
11-701. Trespassing.
11-702. Interference with traffic.

11-701. Trespassing. (1) On premises open to the public.
       (a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.
       (b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.
(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.
(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.
(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.
(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave. (1990 Code, § 10-801)

11-702. 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 with the free passage of pedestrian or vehicular traffic thereon. (1972 Code, § 10-803)
CHAPTER 8

DANGEROUS CONDITIONS ON PROPERTY

SECTION
11-801. Caves, wells, cisterns, etc.

11-801. **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. (1990 Code, § 10-902)
CHAPTER 9

OTHER OFFENSES

SECTION
11-901. Unauthorized posting of notices.
11-902. Assembly with unlawful intent.

11-901. **Unauthorized posting of notices, etc.** No person shall fasten in any way, any showcard, poster or other advertising device upon any public or private property unless legally authorized to do so. (1990 Code, § 10-1001)

11-902. **Assembly with unlawful intent.** It shall be unlawful for any person, with the intent to cause public inconvenience, annoyance, or alarm or recklessly creating a risk thereof, to congregate with other persons in a public place and refuse a lawful order of the police to disperse. (1990 Code, § 10-1003)
CHAPTER 10
FALSE EMERGENCY ALARMS

SECTION
11-1001. Definitions.
11-1002. Fees.
11-1003. Calls not considered false alarms.
11-1004. Appeal.
11-1005. Payment of fee.

11-1001. Definitions. (1) "False emergency alarm." Any signal activated by an emergency alarm to which emergency personnel or vehicle(s) is dispatched which is not the result of an actual emergency.

(2) "Owner and/or operator." A person or persons who reside in, owns, controls, or operates a business or residence in which an emergency alarm is connected.

(3) "Contracted alarm system provider." A company or business providing monitoring of or contact services to appropriate authorities for emergency reporting. (1990 Code, § 10-1101)

11-1002. Fees. The following schedule of fees will be assessed to the owners and/or operators of emergency alarm systems for false emergency alarms.

First through third alarm - No fee.
Fourth through sixth alarm - Twenty-five dollars ($25.00) per alarm.
Seventh and above - Fifty dollars ($50.00) per alarm.

Once a third false alarm is received within a six (6) month period, the city shall send, by certified mail, a notice to the owner, operator, and/or contract alarm system provider that further false emergency alarms will result in a fee being assessed. A schedule of said fees will be included. When a fourth false alarm call is received requiring emergency response, the fee will be applicable. The fourth or any subsequent false alarm call within a six (6) month period following the date of the first false alarm call will impose the fee as provided herein. The expiration of a six (6) month period from an alarm will reduce the number of false alarms counted to impose the fee by one (1).

If it is determined that corrective action has been taken, a new continuous six (6) month period may commence. The owner or subscriber shall be responsible for providing documentation of corrective action.

If the false alarm results from a malfunction or negligence of the contract alarm system provider, the established fee will be applicable to that provider as well as the owner and/or operator.

Any false alarm dispatched through the police department will be considered a billable alarm. If a question arises as the validity of an alarm, the
final determination will be made by the city manager or their designee. (1990 Code, § 10-1102)

11-1003. Calls not considered false alarms. Alarms caused by testing, repair or malfunction of telephone or electrical equipment or lines provided the owner, alarms caused by earthquakes, floods, windstorms, thunder and lightning, shall not be applicable. (1990 Code, § 10-1103)

11-1004. Appeal. Any fee assessed may be appealed to the city manager. If it is determined that adequate corrective action has been taken or the false alarm was through no fault of the appellant, the fee may be waived. Further appeal may be made to the board of commissioners. (1990 Code, § 10-1104)

11-1005. Payment of fee. It shall be unlawful to fail to pay a fee assessed under this chapter within twenty (20) days of notice of assessment of such fee. (1990 Code, § 10-1105)
CHAPTER 11
CURFEW FOR MINORS

SECTION
11-1101. Purpose.
11-1102. Definitions.
11-1103. Curfew enacted; exceptions.
11-1104. Parental involvement in violation unlawful.
11-1105. Involvement by owner or operator of vehicle unlawful.
11-1106. Involvement by operator or employee of establishment unlawful.
11-1107. Giving false information unlawful.
11-1108. Enforcement.
11-1109. Violations punishable by fine.

11-1101. Purpose. The purpose of this chapter is to
(1) Promote the general welfare and protect the general public through
the reduction of juvenile violence and crime within the city;
(2) Promote the safety and well-being of minors, whose inexperience
renders them particularly vulnerable to becoming participants in unlawful
activity, particularly unlawful drug activity, and to being victimized by older
criminals; and
(3) Foster and strengthen parental responsibility for children.

11-1102. Definitions. As used in this chapter, the following words have
the following meanings:
(1) "Curfew hours" means the hours of 12:30 A.M. through 6:00 A.M.
each day.
(2) "Emergency" means unforeseen circumstances, and the resulting
condition or status, requiring immediate action to safeguard life, limb, or
property. The word includes, but is not limited to, fires, natural disasters,
automobile accidents, or other similar circumstances.
(3) "Establishment" means any privately-owned business place within
the city operated for a profit and to which the public is invited, including, but
not limited to, any place of amusement or entertainment. The word “operator”
with respect to an establishment means any person, firm, association,
partnership (including its members or partners), and any corporation (including
its officers) conducting or managing the establishment.
(4) "Minor" means any person under eighteen (18) years of age who
has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.
(5) "Parent" means:
(a) A person who is a minor’s biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;
(b) A person who is the biological or adoptive parent with whom a minor regularly resides;
(c) A person judicially appointed as the legal guardian of a minor; and/or
(d) A person eighteen (18) years of age or older standing in loco parentis as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).

(6) "Person" means an individual and not a legal entity.

(7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.

(8) "Remain" means
(a) to linger or stay at or upon a place or
(b) to fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.

(9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object.

11-1103. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the city, to remain in any motor vehicle operating or parked on any public place within the city, or to remain in or upon the premises of any establishment within the city, unless:

(1) The minor is accompanied by a parent; or
(2) The minor is involved in an emergency; or
(3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or
(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
(5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or
(6) The minor is on a errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand,
the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) The minor is involved in interstate travel through, or beginning or terminating in, the City of Soddy-Daisy; or

(8) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly.

11-1104. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-1103 of this chapter.

11-1105. Involvement by owner or operator of vehicle unlawful. It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-1103 of this chapter using the motor vehicle.

11-1106. Involvement by operator or employee of establishment unlawful. It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave.

11-1107. Giving false information unlawful. It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-1103 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars ($50.00).

11-1108. Enforcement. (1) Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-1103 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-1103 and shall issue a citation requiring the minor to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for
a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

(2) Others. If an officer's investigation reveals that a person has violated §§ 11-1103, § 11-1104, § 11-1105, or § 11-1106 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court.

11-809. Violations punishable by fine. A violation of § 11-1103, § 11-1104, § 11-1105, or § 11-1106 subsequent to receiving a verbal warning as provided in § 11-1108 is punishable by a maximum fine of fifty dollars ($50.00) for each violation.
TITLE 12
BUILDING, UTILITY, ETC. CODES

CHAPTER
1. BUILDING CODE, ETC.
2. INTERNATIONAL PROPERTY MAINTENANCE CODE.
3. THE STANDARD CODE FOR THE ELIMINATION OR REPAIR OF UNSAFE BUILDINGS.
4. SWIMMING POOLS.
5. ENERGY CODE.

CHAPTER 1
BUILDING CODE, ETC.¹

SECTION

12-101. Current codes adopted. (1) The city hereby adopts the 2003 version of the ICC International Building Code relating to building, mechanical, plumbing, gas, fire and one and two family dwellings to date, excluding chapter 16, §§ 1613 through 1623, regarding seismic requirements and replace with the seismic requirements of the 1999 version of the Standard Building Code, chapter 16, § 1607.

(2) The city hereby adopts the 2002 version of the NEC including all referenced NFPA publications to date.

(3) The city hereby adopts the 2003 version of the NFPA Life Safety Code 101 and all referenced NFPA publications to date.

(4) The city will require building contractors, electricians, plumbers and mechanical contractors to be licensed by the State of Tennessee, Hamilton County, and/or the City of Chattanooga to perform related work as permitted by the city. Building, electrical, plumbing and mechanical permits will require purchase by a licensed contractor.

(5) Any property owner desiring to perform work on his or her own property, which may require such a license, may obtain a limited building permit upon such condition established by the city building inspector and shall

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.
not make more than one application for the construction of a single family residence within a period of twenty-four (24) months. A permit for the plumbing, electrical and mechanical work in a single family residence, outbuilding or garage must be obtained by a licensed contractor.

(6) Structures not requiring design by a registered architect or engineer:

(a) Business, "factory-industrial," "hazardous," "mercantile," "residential" and "storage" occupancies, as defined in the 2003 edition of the ICC code, which are:
   (i) Less than three (3) stories in height; and
   (ii) Less than five thousand square feet (5,000 sq. ft.) in total gross area

(b) One-family and two-family dwellings and domestic outbuildings appurtenant thereto; or

(c) Farm buildings not designed or intended for human occupancy.

Nothing in this section shall prevent the city from requiring the services of a registered architect, engineer or landscape architect for any project.

(7) Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits as provided by state laws. (1990 Code, § 4-101)
CHAPTER 2

INTERNATIONAL PROPERTY MAINTENANCE CODE

SECTION
12-203. Available in recorder's office.
12-204. Violations.

12-201. **International property maintenance code adopted.** Pursuant to authority granted by §§ 6-54-501 through 6-54-506 of the Tennessee Code Annotated, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Property Maintenance Code,¹ 2003 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 housing code. (1990 Code, § 4-401)

12-202. **Modifications.** Wherever the International Property Maintenance Code refers to the "Building Official" it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the International Property Maintenance 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 city manager. Section 106 of the International Property Maintenance Code is deleted. (1990 Code, § 4-402, modified)

12-203. **Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Property Maintenance Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1990 Code, § 4-403, modified)

12-204. **Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the International Property Maintenance Code as herein adopted by reference and modified. (1972 Code, § 4-404, modified)

¹Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.
CHAPTER 3
THE STANDARD CODE FOR THE ELIMINATION OR REPAIR OF
UNSAFE BUILDINGS

SECTION
12-301. Definitions.
12-303. Scope.
12-304. Alterations, repairs or rehabilitation work.
12-305. Maintenance.
12-306. Enforcement officer.
12-308. Liability.
12-309. Defects making dwelling unfit for human habitation and dangerous buildings.
12-310. When unfit dwellings and dangerous buildings are to be repaired or demolished.
12-311. Abatement of nuisances; inspector's duties.
12-312. Abatement of nuisances; board's duties.
12-313. Emergency abatement of nuisances.
12-314. Notices and orders to out-of-town owners, etc.
12-315. Failure to receive notices and effect.
12-316. Remedies provided herein are cumulative.
12-317. Violations and penalties.

12-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Owner" shall mean the holder of a fee simple title and every trustee or mortgagee of record.

(2) "Parties in interest" shall mean all individuals, associations and corporations who have an interest of record in a dwelling or building or who are in possession thereof.

(3) "Dwelling" shall mean any building or structure or part thereof used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(4) "Building" shall mean any structure or part thereof not a dwelling as above defined.

(5) "Structural alterations" shall mean any change, except for repair or replacement, in the supporting members of a building such as bearing walls, columns, beams, or girders.

(6) "Public record" shall mean deeds, deeds of trust, and other instruments of record in the registrar's office of Hamilton County, Tennessee.
(7) "Building official" is the officer or other designated authority charged with the administration and enforcement of this code, or his duly authorized representative. (1990 Code, § 4-501)

12-302. Code remedial. This code is hereby declared to be remedial and shall be constructed to secure the beneficial interests and purposes thereof - which are public safety, health and general welfare - through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises. (1990 Code, § 4-502)

12-303. Scope. The provisions of code shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions. (1990 Code, § 4-503)

12-304. Alterations, repairs or rehabilitation work. (1) Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the International Building Code, provided that the alteration, repair or rehabilitation work conforms to the requirements of the International Building Code adopted in chapter 1 of this title.

(2) Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in § 12-309.

(3) If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the International Building Code, adopted in chapter 1 of this title, for the occupancy classification as established by the building official. (1990 Code, § 4-504, modified)

12-305. Maintenance. All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the International Building Code, adopted in chapter 1 of this title, in a building when erected, altered or repaired, shall be maintained in good working order. (1990 Code, § 4-505, modified)

12-306. Enforcement officer. The provisions of this code shall be enforced by the building official, codes officer, or any other employee appointed or designated by the city manager. (1990 Code, § 4-506)

12-307. Powers and duties of the building official. (1) The building official, codes officer or any employee so designated by the city manager may enter any building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this code.
(2) When entering a building, structure, or premise that is occupied, the building official shall first identify himself, present proper credentials and request entry. If the building, structure, or premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused the building official or authorized representative shall have recourse to every remedy provided by the law to secure entry.

(3) No person, owner or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the building official or his authorized agent for the purpose of inspections pursuant to this code. Any person violating this section shall be prosecuted within the limits of the law. (1990 Code, § 4-507)

12-308. Liability. Any officer or employee charged with the enforcement of this code, acting for the city manager in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provisions of this code shall be defended by the legal department of the board of commissioners until the final termination of the proceedings. (1990 Code, § 4-508)

12-309. Defects making dwellings unfit for human habitation and dangerous buildings. All dwellings or buildings which have any or all of the following defects shall be deemed to be unfit for human habitation or dangerous buildings:

(1) Those whose interior walls or other vertical members list, lean or buckle to such an extent that a plum line passing through the center of gravity falls outside the middle third of its base.

(2) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the support member or members, or fifty percent (50%) of damage or deterioration or the non-supporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to become dangerous to life, safety, morals, or the general health and welfare of the occupants of the people of the city.

(5) Whenever any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(6) Whenever for any reason a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose it is being used.
Whenever any building, structure, or portion thereof as a result of decay, deterioration, or dilapidation is likely to fully or partially collapse.

Whenever any building, structure, or portion thereof is in such a condition as to constitute a public nuisance.

Whenever any exterior appendages or portion of a building or structure is not securely fastened, attached or anchored that they may fall and injure members of the public or property.

Those dwellings or buildings existing in violation of any provision of this chapter or any other ordinances of this city at the time such provisions become effective. (1990 Code, § 4-509)

12-310. When unfit dwellings and dangerous buildings are to be repaired or demolished. All dwellings unfit for human habitation and all dangerous buildings within the terms of § 12-309 are hereby declared to be public nuisances, and shall be repaired or demolished as hereinbefore and hereinafter provided. The following criteria shall be used by the building inspector in ordering repair or demolition:

1. If the dwelling or dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter or other ordinances of this city, it shall be ordered repaired.

2. In any case where a dwelling unfit for human habitation or a dangerous building is fifty percent (50%) damaged or decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a dwelling or a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dwelling or a dangerous building is a fire hazard existing or erected in violation of the provisions of this chapter or any ordinance of this city or any statute of the State of Tennessee, it shall be demolished. (1990 Code, § 4-510)

12-311. Abatement of nuisances; inspector’s duties. (1) The building inspector shall inspect any dwelling, building, wall or structure about which complaints are filed by any person to the effect that it is or may be existing in violation of this chapter.

2. He shall inspect any dwelling, building, wall or structure reported by the fire or police department or the Department of Health as probably existing in violation of the provisions of this chapter.

3. He shall notify (in writing) the owners, occupants, lessees, mortgagees, agents, and all other persons having any interest, as shown by the public records, in any dwelling or building found to be unfit for human habitation or a dangerous building within the standards set forth in this chapter, that:

(a) The owner must repair or demolish said dwelling or building in accordance with the terms of this notice and this chapter.
(b) The occupant or lessee must vacate such dwelling or building or must have it repaired in accordance with the notice and this chapter in order to remain in possession.

(c) The mortgagee, agent or other persons having an interest in said dwelling or building as shown by the public records may, at his own risk, repair or demolish said dwelling or building or have such work or act done. However, any person notified under this subsection to repair or demolish any dwelling or building shall be given such reasonable time, not exceeding sixty (60) days, as may be necessary to do, or have done, the work or act required by the notice provided herein.

(4) Failure of any owner, occupant, lessee, mortgagee, agent, or other person having an interest in said dwelling or building, to receive a copy of the inspector's notice if mailed, or failure of the city or the inspector to notify any owner, occupant, lessee, mortgagee, agent or other person having an interest in said dwelling or building, shall not relieve the remaining persons who are actually notified in accordance with this subsection of their responsibilities hereunder.

(5) The building inspector shall set forth in the notice provided for in subsection (3) hereof, a description of the dwelling or building deemed unsafe, a statement of the particulars which make the dwelling unfit for human habitation or the building a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, to begin within sixty (60) days and completion not to exceed one hundred twenty (120) days.

(6) The building inspector shall report to the city manager any noncompliance with the notice provided for in this section. The manager shall in turn report his findings and recommendations to the board.

(7) The building inspector shall appear at all hearings conducted by the board and testify as to the condition of the dwellings unfit for human habitation and the dangerous buildings.

(8) The building inspector shall place a notice on all dwellings unfit for human habitation and on all dangerous buildings as follows:

DANGER

This building is deemed unsafe

for human occupancy

under § 12-309 of the Building Code of the

City of Soddy-Daisy

It is unlawful for any person to occupy
or reside in this building

City of Soddy-Daisy

Any unauthorized person removing this notice

Will be prosecuted

(1990 Code, § 4-511, modified)

12-312. Abatement of nuisances; board’s duties. (1) Upon receipt of a report of the city manager as provided for in § 12-311, the board shall give written notice to the owner, occupant, mortgagee, lessee, agent, and any other person having an interest in said dwelling or building, as shown by the public records, to appear before the board on the date specified in the notice to show cause why the dwelling or building reported to be unfit for human habitation or a dangerous building should not be repaired or demolished in accordance with the statement of particulars set forth in the inspector's notice provided for in § 12-313.

(2) The board shall hold a hearing and hear such testimony as the inspector and the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the public records, shall offer relative to the dwelling being unfit for human habitation or a dangerous building.

(3) The board shall make written findings of fact from the testimony offered, as to whether or not the dwelling is unfit for human habitation or the building in question is a dangerous building within the terms and provisions of this chapter.

(4) The board shall issue an order, based upon its findings of fact, commanding the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said dwelling or building, as shown by public records, to repair or demolish any dwelling found to be a dangerous building within the terms and provisions of this chapter. Any person so notified shall have the privilege of either repairing the dwelling or building or demolishing it at his own risk to prevent the acquiring of a lien against the land upon which said dwelling or building stands by the city as provided in subsection (5) hereof.

(5) If the owner, occupant, mortgagee, lessee, or agent fails to comply with the order provided for in subsection (4) hereof within ten (10) days, the board shall cause such dwelling or building to be repaired or demolished as the facts may warrant, under the criteria hereinbefore provided. Furthermore, the board shall, with the assistance of the city attorney cause the cost of such repair or demolition to be charged against the land on which the building existed as a municipal lien shall be superior to all liens except liens for state, county and municipal taxes and municipal special assessments, to be recovered in a suit at law against the owner.
(6) The board shall report to the city attorney the names of all persons not complying with the order provided for in subsection (4) of this section. (1990 Code, § 4-512)

12-313. Emergency abatement of nuisances. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dwelling unfit for human habitation or a dangerous building, as defined herein, is immediately repaired or demolished the inspector shall report such facts to the board, and the board shall cause the immediate repair or demolition of such dwelling or building. The cost of such emergency repair or emergency demolition of such dwelling or building shall be a lien to be collected in the same manner as provided in this chapter. (1990 Code, § 4-513)

12-314. Notices and orders to out-of-town owners, etc. In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notice or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee, and all other persons having an interest in said dwelling or building, as shown by the public records, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dwelling or building to which it relates. (1990 Code, § 4-514)

12-315. Failure to receive notices and effect. The fact that any person entitled to notice hereunder did not receive any such notice shall not affect the validity of the proceedings taken hereunder so long as the procedures for giving notice herein provided have been followed. (1990 Code, § 4-515)

12-316. Remedies provided herein are cumulative. Nothing in this chapter shall be construed to impair or limit, in any way, the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. The measure and procedures herein provided do not supersede, and this chapter does not repeal, any other measures or procedures which are provided by the ordinances of the city for the elimination, repair or correction of the conditions referred to in this chapter, but the measures and procedures herein provided for shall be in addition to the other powers and authority of the city or its inspector. (1990 Code, § 4-516)

12-317. Violations and penalties. Any person, firm, corporation or agent who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof shall be guilty of a misdemeanor and shall be punished according to the general penalty provisions of this code of ordinances. (1990 Code, § 4-517)
CHAPTER 4

SWIMMING POOLS

SECTION
12-401. Building permit required.
12-402. Electrical requirements.
12-403. Final inspection—enclosure.
12-404. Above ground pools.
12-405. Existing pools.

12-401. Building permit required. No public or private swimming pool installations, alteration, or major repair work shall be commenced until a building permit shall first have been obtained from the building official. Construction is to be done in accordance with the Standard Building Code, adopted in chapter 1 of this title, where applicable. (1990 Code, § 4-601)

12-402. Electrical requirements. Electrical work is to be done in accordance with the 2002 NEC electrical code and the 2003 ICC residential code. (1990 Code, § 4-602, modified)

12-403. Final inspection—enclosure. All public and private swimming pool installations must be complete, completely filled with water and in operation before final inspection. For the safety of others, before final inspection, in ground pools shall be completely enclosed by a wall, fence, or screen or such substantial structure not less four (4) feet in height. Opening in the fence shall not permit the passage of a sphere two and one half (2-1/2) inches in diameter or otherwise constructed as to be difficult to climb. The enclosure shall be equipped with self-closing and self-latching gates. (1990 Code, § 4-603)

12-404. Above ground pools. Pool enclosures are not required on above ground pools with the following exceptions: Above ground pools with deck or platform with steps leading up to same shall conform to enclosure requirements as set forth in § 12-403 of this chapter or steps shall be gated with self-closing and self-latching gate to restrict the entrance of small children to said deck or platform. (1990 Code, § 4-604)

12-405. Existing pools. The enclosure requirement shall apply to all pools, both public and private, existing at the time this chapter is adopted, with three (3) months from the date of its adoption being allowed for conformance.

Municipal code reference
Pools with existing enclosures of not less than four (4) feet in height at the time of the passage of this chapter may remain, provided that any alterations, repairs or rehabilitation work made to any existing enclosure comply with all the provisions of this chapter. (1990 Code, § 4-605)
CHAPTER 5
ENERGY CONSERVATION CODE

SECTION
12-503. Available in recorder's office.
12-504. Violations and penalty.

12-501. International energy conservation 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 energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems to establish energy-efficient buildings using prescriptive and performance-related provisions which will make possible the use of new materials and innovative techniques that conserve energy, the 2000 International Energy Conservation Code, with 2002 amendments 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.

12-502. Modifications. Whenever the energy code refers to the duties of a certain official named therein, that designated official of the City of Soddy-Daisy who has duties corresponding to those of the named official in the energy code shall be deemed to be the responsible official insofar as enforcing the provisions of the energy code are concerned.

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.

12-504. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the international energy conservation code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars ($50) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.
TITLE 13

PROPERTY MAINTENANCE REGULATIONS\(^1\)

CHAPTER
1. MISCELLANEOUS.
2. JUNKYARDS.

CHAPTER 1

MISCELLANEOUS

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

13-101. **Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1990 Code, § 8-502)

13-102. **Stagnant water.** It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1990 Code, § 8-503)

13-103. **Weeds and grass.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city manager or his designee to cut such vegetation when it has reached a height of over one (1) foot. (1990 Code, § 8-504, modified)

\(^1\)Municipal code references
13-104. **Overgrown and dirty lots.** (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) **Designation of public officer or department.** The city manager, his designee, the police department or the codes enforcement officer shall be responsible for enforcement of this chapter and the provisions thereof.

(3) **Notice to property owner.** It shall be the duty of the department or person designated by the board of commissioners to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

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

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

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

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

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

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars ($500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (4) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the public officer or of the board of commissioners under this section may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements. (1990 Code, § 8-505, modified)
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. (1990 Code, § 8-506, modified)

13-106. **Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1990 Code, § 8-507, modified)

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. (1990 Code, § 8-501)

13-108. **Violations and penalty.** Violations of this chapter shall be punished in accordance with the general penalty provision of this municipal code of ordinances, except that violations of § 13-104 shall be handled in accordance with the provisions of that section. (1990 Code, § 8-508)
CHAPTER 2

JUNKYARDS

SECTION

13-201. Standards.

13-201. Standards. The term "junkyard" shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts and shall be maintained, used or operated 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 in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) Any portion of the yard which borders a public street, highway or interstate shall be sheltered from public view by close fitting plank, solid metal or other fence material approved by the city manager or his designee. The same type fencing material shall be used where other portions of the yard are in direct view of residential dwellings in close proximity.

(3) Those yards which have portions that are not in direct view of dwellings in close proximity may shelter those portions with trees, shrubs, vegetation or other natural barriers with the approval of the city manager or his designee.

(4) In cases where the elevation of the street, highway or interstate is such that the portion of the yard bordering the street, highway or interstate cannot be sheltered from view with a close fitting plank, solid metal or other approved fence material, that portion of the yard may utilize the elevation itself as a natural barrier as stated in subsection (3) of this section.

(5) All sheltering material must begin at ground level and extend to a height of not less than six (6) feet. All sheltering vegetation must begin at ground level and extend to a height of not less than four (4) feet.

(6) All junkyards within the corporate limits, including those in existence before the city incorporated, shall be operated and maintained subject to the regulations set forth in this chapter.

(7) All such yards shall be maintained as to be in a sanitary condition and so as not to be a menace to the public health and safety. (1990 Code, § 8-301)
TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING CODE.
3. FLOODPLAIN ZONING.
4. ZONING BOARD OF APPEALS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION
14-101. Regional planning commission designated as municipal planning commission.
14-102. Planning commission.

14-101. **Regional planning commission designated as municipal planning commission.** Pursuant to authority provided in Tennessee Code Annotated, § 13-3-301, the Chattanooga-Hamilton County Regional Planning Commission is hereby designated as the municipal planning commission of the City of Soddy-Daisy. (1990 Code, § 11-101)

14-102. **Planning commission.** (1) There is hereby established a seven (7) member municipal planning commission.

(2) Membership in the Soddy-Daisy Municipal Planning Commission shall include the mayor and one (1) city commissioner elected by the Soddy-Daisy Board of Commissioners whose terms on the planning commission shall be concurrent with the terms of their official elected office.

(3) In accordance with Tennessee Code Annotated, § 13-4-101(a) the remaining five (5) members of the planning commission shall be appointed by the mayor.

(4) In accordance with Tennessee Code Annotated, § 13-4-101(a) requiring staggered terms for appointed members, the terms of the five (5) appointed members shall be two (2) members for a one (1) year term; two (2) members for a two (2) year term; and one (1) member for a three (3) year term. Thereafter, the terms of appointed members shall be for three (3) years as the initial appointments expire. (1990 Code, § 11-102)
CHAPTER 2

ZONING CODE

SECTION
14-201. Zoning code.

14-201. Zoning code. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-501, the zoning ordinance adopted by 2000-2001 ordinance no. 1, as amended, is hereby adopted and incorporated by reference as part of this code and is hereafter referred to as the zoning code.¹

¹The zoning code, as amended, is of record in the office of the city recorder.
CHAPTER 3

FLOODPLAIN ZONING

SECTION
14-301. Statutory authorization, finding of fact, purpose and objectives.
14-302. Definitions.
14-304. Administration.

14-301. Statutory authorization, finding 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 Soddy-Daisy, Tennessee Mayor and Board of Commissioners, does ordain as follows:

(2) Findings of fact. (a) The Soddy-Daisy Mayor and Board of Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(c) of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (10-1-88 edition) and subsequent amendments.

(b) Areas of Soddy-Daisy 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) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
(d) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

(4) Objectives. The objectives of this chapter are:
(a) To protect human life and health;
(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;
(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, street and bridges located in floodable areas;
(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
(g) To ensure that potential buyers are notified that property is in a floodable area; and,
(h) To establish eligibility for participation in the National Flood Insurance Program. (1990 Code, § 11-301)

14-302. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:
(a) Accessory structures shall not be used for human habitation.
(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 which may result in damage to other structures.
(e) Service facilities such as electrical and heating equipment shall be elevated or flood-proofed.

(2) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

(3) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by
a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

(4) "Appeal" means a request for a review of the codes enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(5) "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 where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(6) "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.

(7) "Area of special flood hazard" 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.

(8) "Base flood" means the flood having a one percent (1%) chance of being equalled or exceeded in any given year.

(9) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

(10) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(11) "Building," for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

(12) "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, excavation or drilling operations, or storage of equipment or materials.

(13) "Elevated building" means a non-basement building:

(a) Built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), and

(b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, or D,
"elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(14) "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.

(15) "Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the program.

(16) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(17) "Existing construction" any structure for which the "start of construction" commenced before the effective date of this chapter.

(18) "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, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

(19) "Existing structures" see "Existing construction."

(20) "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).

(21) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
   (a) The overflow of inland or tidal waters;
   (b) The unusual and rapid accumulation of runoff of surface waters from any source.

(22) "Flood elevation determination" means a determination by the administrator 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.

(23) "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) and/or flood-related erosion hazards.

(24) "Flood hazard boundary map (FHB M)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as zone A, M, and/or E.
"Flood insurance rate map (FIRM)" means an official map of a
community, on which the Federal Emergency Management Agency has
delineated both the areas of special flood hazard and the risk premium zones
applicable to the community.

"Flood insurance study" is the official report provided by the
Federal Emergency Management Agency. The report contains flood profiles as
well as the flood boundary map and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible
to being inundated by water from any source (see definition of "flooding").

"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.

"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.

"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, structures and their contents.

"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 an abnormal tidal surge, or by some similarly unusual and
unforeseeable event which results in flooding.

"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.

"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.

"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 one foot.

(35) "Floor" means the top surface of an enclosed area in 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.

(36) "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, bridge openings and the hydrological effect of urbanization of the watershed.

(37) "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.

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

(39) "Historic structure" means any structure that is:

(a) 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;

(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 a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior, or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(40) "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.
(41) "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.

(42) "Lowest floor" means 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 in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(43) "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."

(44) "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.

(45) "Map" means the Flood Hazard Boundary Map (FHB M) or the Flood Insurance Rate Map (FIRM) for a community issued by the agency.

(46) "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 purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(47) "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "New construction" any structure for which the "start of construction" commenced on or after the effective date of this chapter. The term also includes any subsequent improvements to such structure.

(49) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

(50) "100-year flood" see "base flood."

(51) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(52) "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 projections;
(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(53) "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.

(54) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(55) 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.

(56) "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; or the placement of a manufactured home on a foundation. Permanent construction does not include 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.

(57) "State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

(58) "Structure," for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(59) "Substance 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.
"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"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.

"Variance" is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (1990 Code, § 11-302)

14-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of Soddy-Daisy, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Soddy-Daisy, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community-Panel Numbers 475445, 0001-0010; Effective date: June 1, 1983 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this chapter. These areas shall be incorporated into the City of Soddy-Daisy, Tennessee Zoning Map.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activity.
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(4) Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this chapter conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

(a) Considered as minimum requirements;
(b) Liberally construed in favor of the governing body, and;
(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Soddy-Daisy, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Soddy-Daisy, Tennessee from taking such other lawful actions to prevent or remedy any violation. (1990 Code, § 11-303)

14-304. Administration. (1) Designation of codes enforcement officer. The codes enforcement officer is hereby appointed to administer and implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the codes enforcement officer on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following:

(a) Plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question;
(b) Existing or proposed structures, earthen fill, storage of materials or equipment, 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. (See (b) below)

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available. (See (b) below)

(iii) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in § 14-304(2)(b), where base flood elevation data is available. (See (b) below)

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) **Construction stage.** Within unnumbered A zones, where flood elevation data are not available, the codes enforcement officer shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the codes enforcement officer shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the codes enforcement officer a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The codes enforcement officer shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) **Duties and responsibilities of the codes enforcement officer.** Duties of the codes enforcement officer shall include, but not be limited to:

(a) Review of all development permits to assure that the requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.
(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 14-304(2)(b).

(e) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with § 14-304(2)(b).

(f) When flood-proofing is utilized, the codes enforcement officer shall obtain certification from a registered professional engineer or architect, in accordance with § 14-304(2)(b).

(g) 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) the codes enforcement officer shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 14-306.

(h) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency the codes enforcement officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, 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 community FHBM or FIRM meet the requirements of this chapter.

(i) All records pertaining to the provisions of this chapter shall be maintained in the office of the codes enforcement officer and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files.
(j) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained. (1990 Code, § 11-304)

14-305. Provisions for flood hazard reduction. (1) General standards. In all flood prone areas the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state 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 or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) 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 which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter; and,

(j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this chapter, shall be undertaken only if said non-conformity is not extended.

(2) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein.

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AH zones, AO zones, and A99 zones, as set forth in § 14-303(2), the following provisions are required:
(a) **Residential construction.** New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of § 14-305(2)(c).

(b) **Non-residential construction.** New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed 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 registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the codes enforcement officer as set forth in § 14-304(2)(b).

(c) **Elevated buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, 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 professional engineer or architect or meet the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot above grade; and

(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) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to
impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-305(2) of this chapter.

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevation and anchoring.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(A) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;

(B) The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

(C) In or outside of an existing or new manufactured home park or subdivision, or in an expansion of in existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of § 14-305(2)(d)(A) and (B) above.

(iii) All recreational vehicles placed on sites 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; or

(C) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of § 14-305(2)(d)(i) or (ii)(A) and (B) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of § 14-304(3)(h) shall be utilized for all requirements relative to the base flood elevation of floodways.

(3) Standards for areas of special flood hazard zones A1-30 and AE with established base flood elevation but without floodways designated. Located within the areas of special flood hazard established in § 14-303(2), where
streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a 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 (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-305(2).

(4) Standards for areas of shallow flooding (AO and AH zones). Located within the areas of special flood hazard established in § 14-303(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1’ - 3’) where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

(b) All new construction and substantial improvements of nonresidential buildings shall:

(i) Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,

(ii) Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is 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.

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(5) Standards for areas protected by flood protection system (A-99 zones). Located within the areas of special flood hazard established in § 14-303(2) are areas of the 100-year flood protected by a flood protection system
which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 zones) the following provisions apply:

(a) All provisions of §§ 14-304 and 14-305(1) and (7) shall apply.

(6) Standards for subdivision proposals. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres. (1990 Code, § 11-305)

14-306. Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard.

(1) Board of zoning appeals. (a) The City of Soddy-Daisy Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Variances may be issued for the repair or rehabilitation of historic structures (see definition) 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 to preserve the historic character and design of the structure.

(c) In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of chapter, and:

(i) The danger that materials may be swept onto other property to the injury of others;

(ii) The danger to life and property due to flooding or erosion;

(iii) The susceptibility of the proposed facility and its contents to flood damage;

(iv) The importance of the services provided by the proposed facility to the community;
(v) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
(vi) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
(vii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
(viii) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(ix) 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, and;
(x) 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, and water systems, and streets and bridges.
(d) Upon consideration of the factors listed above, and the purposes of this chapter, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this chapter.
(e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
(b) Variances shall only be issued upon:
(i) A showing of good and sufficient cause,
(ii) A determination that failure to grant the variance would result in exceptional hardship; and
(iii) 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 level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
(d) The codes enforcement officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (1990 Code, § 11-306)
CHAPTER 4

ZONING BOARD OF APPEALS

SECTION
14-401. Membership terms and compensation.
14-402. Meetings and rules of order.
14-403. Jurisdiction of the board.
14-404. Applications to the board.
14-406. Hearings.
14-407. Condition for board decisions.
14-408. Board findings.
14-409. Records.
14-410. Stay.
14-411. Appeal from the board’s decision.
14-412. Administration.
14-413. Savings clause.

14-401. **Membership terms and compensation.** The board shall consist of five (5) members who shall be appointed by the mayor for three (3) year terms. Of the initial board, two (2) members shall serve for one (1) year, two (2) members for (2) years, and one (1) member for three (3) years. Thereafter, members shall serve for three (3) year terms. A term of membership is to be considered to have begun on April 1 of the year of appointment. The mayor shall have the power to appoint and reappoint members as of April 1 of any year to bring the terms of the board into compliance with this section should the schedule of terms described herein fall out of compliance. Until such time, members whose terms have expired shall be considered de facto members of the board. Members of the board shall serve without compensation. (1990 Code, § 11-401)

14-402. **Meetings and rules of order.** At the first meeting after the first of April of each year, the board shall elect a chairman and vice-chairman from its own membership. The board shall fix its place of meeting and shall conduct at least one (1) regular meeting a month, provided there are applications to be reviewed by the board. Other meetings of the board shall be held on the call of the chairman and at such times as the board may determine. The presence of three (3) members shall constitute a quorum. In all other matters, the board shall proceed to its own rules of order for the conduct of business, such rules being of public record. The city attorney or his designated representative shall be present at each board meeting if requested by the board. (1990 Code, § 11-402)
14-403. **Jurisdiction of the board.** The board shall have the following powers:

(1) To make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent and under the conditions set forth in the following paragraphs, upon the request of the owner of the property in question.

(2) To interpret the zoning maps and pass upon disputed questions of foot lines or zone boundary lines or similar questions as they arise in the administration of the zoning regulations.

(3) To hear and decide appeals from property owners on actions or decisions by an administrative official in the administration or enforcement of the zoning ordinance.

(4) To review conditional permits and other special permits specified in the ordinance to determine that the provisions of the chapter are met. In the case of conditional permits and other special permits, the board may set a time period for the permits, at the conclusion of which the board may review for an extension of an additional time period or the termination of the permit. (1990 Code, § 11-403)

14-404. **Applications to the board.** Persons desiring consideration by the board shall apply to the secretary of the board and shall supply such information as the board may require to identify the land and determine the reason for the appeal or review. Each application by a property owner shall be accompanied by a receipt for a fee of fifty dollars ($50.00), paid to the City of Soddy-Daisy to cover the city's cost of handling the application, no part of which fee is returnable.

Persons objecting to the relief sought by the applicant or interested in the review or determination made by the board may likewise set forth their views and actual evidence in writing and be signed by the objectors. The application and objections shall be submitted to the board within three (3) business days prior to any hearing. (1990 Code, § 11-404)

14-405. **Notices.** A notice of the public hearings held by the board shall be sent by regular mail to each of the property owners within a minimum of three hundred (300) feet of each property in question before the board. Said notice will be mailed at least seven (7) days prior to the public hearing by the board. The most recently updated tax roll for the City of Soddy-Daisy will be the source of ownership information for board purposes. A notice shall be published one (1) day in a daily paper at least seven (7) days before the hearing. (1990 Code, § 11-405)

14-406. **Hearings.** All official actions of the board shall be subject to due notices and public hearings, as established by its rules. Any interested person may appear and be heard subject to procedures adopted by the board.
A review by the planning commission staff may be required for the purpose of obtaining information available as to the effect of a proposed variance, conditional permit, or administrative ruling upon the use, enjoyment, safety, and value of the land and buildings nearby. Such report may contain other information on existing or pre-existing conditions relating to topography, geology, utilities, existing, and proposed land use and factors pertaining to the comprehensive plan of the city.

A review by city officials may be required for the purpose of obtaining information as to the effect if a proposed variance, conditional permit, or administrative ruling upon the flow of traffic, congestion, parking, service for utilities and similar matters usually pertaining to the functions of their office.

The board shall make and record findings of fact relevant to their decisions and shall accept letters and petitions for the record and shall particularly examine the facts relating to the conditions set forth in § 11-407 of this chapter.

The board shall make a determination that it has been delegated authority to render a decision in each case and that it is not performing a legislative function not delegated by the legislative body of the city. (1990 Code, § 11-406)

14-407. **Condition for board decisions.** Before a variance or special exception may be granted, the board must find that the following conditions exist:

(1) That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment for the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the zoning ordinance would result in peculiar and practical difficulties or undue hardships upon the owner to develop his property in accordance with the use provisions of the zoning regulations.

(2) That the relief of the peculiar hardships, practical difficulties or undue hardships granted by the board would not constitute substantial detriment to the public good or substantially impair the intent and purpose of the zoning ordinance.

(3) That the peculiar hardship, practical difficulties, or undue hardships would apply to the particular land or building regardless of the owner.

(4) That the peculiar hardship, practical difficulties, or undue hardship is not created as the result of an act upon the part of the applicant.

(5) That the peculiar hardship, practical difficulties, or undue hardships asserted by the applicant relate only to the premises for the benefit of which the variance or special exceptions sought and would not be generally applicable to other premises in the city or the general conditions of the applicant.
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(6) Provided, however, that where the application for a variance or special exception involves only the addition to or extension of an existing building or structure, the board may allow such addition or extension when said addition or extension would be no less conforming as to setback distances than the existing structure or structures on the same adjacent property, provided further, that such addition or extension is not in conflict with the character of the area in which the property is located or the comprehensive zoning plan.

(7) In each case, the board shall find that the use where proposed will be in harmony with general intent and purpose of the zoning ordinance and shall require such yard requirements, screening, landscaping, ingress and egress controls, sign controls, as reasonable controls so as to make the conditional property use compatible with surrounding property uses and in conformance with the general intent and purpose of the zoning ordinance. (1990 Code, § 11-407)

14-408. Board findings. (1) The board shall make its findings in writing on each of the conditions stipulated in § 14-407, and on such additional items presented as evidence which have influenced its decision. The decision of the board shall become effective immediately. Such decision, affirming, revising, or modifying the order, requirement, decision, or determination of the administrator of the zoning ordinance and such conditional permits and other special permits or special exceptions or variances to the provisions of the zoning ordinance shall be effective for an unlimited period of time unless otherwise specified by this chapter or the board.

(2) If the decision of the board has not fully utilized and confirmed by the construction of the improvements contemplated by the applicant within a period of one (1) year or other time certain stipulated by the board, then the applicant will be required to reapply to the board and the application will be reheard upon the ground stipulated by the applicant as of the time of the new application.

(3) The board shall not rehear any case upon the same grounds within a minimum period of one (1) year of its previous hearing date.

(4) The board may adopt for its record such policies as can be reasonably developed for its own guidance in dealing with the more common types of request for adjustment. (1990 Code, § 11-408)

14-409. Records. The board shall keep a duplicate record of its proceedings, findings, and action in each case, giving specific reasons for its action and for any deviation from policy it might have established in past cases. The vote of each member on each question shall appear in the record. All records of the board shall be open to the public. (1990 Code, § 11-409)

14-410. Stay. Upon applying for special exception, variance, interpretation, or review by the board, the applicant shall stay any cut or fill of
property, construction, or alteration on the building or property for which action by the board is sought. (1990 Code, § 11-410)

14-411. Appeal from the board’s decision. The action of the board of appeals for variances and special permits shall be final, provided, an appeal from the action of the board may be taken to a court of competent jurisdiction by any aggrieved, affected party. (1990 Code, § 11-411)

14-412. Administration. The city manager or his designated assistant shall be the secretary of the board. He shall conduct all official correspondence subject to the rules and direction of the board, and send out all notices and attend all meetings, keep the minutes, compile the records and maintain the official files for the board or cause the same to be done. (1990 Code, § 11-412)

14-413. Savings clause. If any part of this chapter is for any reason declared to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining parts or portions of this chapter. (1990 Code, § 11-413)
TITLE 15
MOTOR VEHICLES, TRAFFIC AND PARKING

CHAPTER
1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ABANDONED, UNATTENDED AND DISCARDED VEHICLES.
8. ENFORCEMENT.

CHAPTER 1
MISCELLANEOUS

SECTION
15-102. Driving on streets closed for repairs, etc.
15-103. One-way streets.
15-104. Unlaned streets.
15-105. Laned streets.
15-106. Yellow lines.
15-107. Miscellaneous traffic control signs, etc.
15-108. General requirements for traffic control signs, etc.
15-109. Unauthorized traffic control signs, etc.
15-110. Presumption with respect to traffic-control signs, etc.
15-111. School safety patrols.
15-112. Driving through funerals or other processions.
15-114. Riding on outside of vehicles.
15-118. Vehicles and operators to be licensed.
15-120. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
15-121. Regulation of vehicle loads; covering required.

\^Municipal code reference
Excavations and obstructions in streets, etc.: title 16.
15-101. **Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1990 Code, § 9-101)

15-102. **Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1990 Code, § 9-102)

15-103. **One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1990 Code, § 9-105)

15-104. **Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

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

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1990 code, § 9-106)

15-105. **Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

   On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use, except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1990 Code, § 9-107)
15-106. **Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1990 Code, § 9-108)

15-107. **Miscellaneous traffic-control signs, etc.**¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1990 Code, § 9-109)

15-108. **General requirements for traffic control signs, etc.** Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,² and shall be uniform as to type and location throughout the city.

15-109. **Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (1990 Code, § 9-111)

15-110. **Presumption with respect to traffic-control signs, etc.** When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (1990 Code, § 9-112)

15-111. **School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned

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¹Municipal code references
Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

²For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.
under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1990 Code, § 9-113)

15-112. **Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1990 Code, § 9-118)

15-113. **Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1990 Code, § 9-115)

15-114. **Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1990 Code, § 9-121)

15-115. **Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1990 Code, § 9-117)

15-116. **Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1990 Code, § 9-118)

15-117. **Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1990 Code, § 9-119)

15-118. **Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor
Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1990 Code, § 9-120)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1990 Code, § 9-121)

15-120. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.
(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

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

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

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

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

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1990 Code, § 9-122)

15-121. Regulation of vehicle loads; covering required. It shall be unlawful to operate any truck, trailer, tractor trailer or any other motor vehicle of whatsoever nature hauling or carrying any load on any street, highway or public road of the city in violation of the following regulations:

(1) No such vehicle shall be driven or moved on any such street, highway, or public road unless such vehicle is constructed or loaded, and covered, so as to prevent any of its load from dropping, escaping or shifting in such a manner as to create a safety hazard or a public nuisance, provided that this section shall not prohibit the necessary spreading of any substance in public roads for maintenance or construction operations.
(2) No person shall operate, or load for operation on any public road, any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner becoming a hazard to other users of the public road.

(3) No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry into or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(4) Nothing in these regulations shall conflict with Federal Regulations, or Tennessee Public Service Commission Regulations applying to securing of loads on motor vehicles.

(5) Any vehicle operated on the streets of this city in violation hereof may be detained by the city until the violation is corrected, provided that nothing herein shall be construed to prevent the city from issuing citations or levying fines for any such violation. (1990 Code, § 9-123)

15-122. Regulation of unopened rights of way. It shall be unlawful to operate a motor vehicle of whatsoever nature, private or commercial, with a capacity to haul or carry any load of over one quarter (¼) ton on any unopened rights of way owned by the City of Soddy-Daisy to or from a commercially or industrially zoned property.

For the purpose of this section, an "unopened" right of way is a right of way not opened by the city or accepted by the city by the vote of the city commission. (1990 Code, § 9-124)

15-123. Non-standard colored vehicle lights. (1) It shall be unlawful for any unauthorized motor vehicle to be operated within the City of Soddy-Daisy utilizing non-standard colored lights. For the purposes of this section, non-standard colored lights are:

(a) Any light facing to the front of a vehicle or that can be seen from the front of the vehicle that is not a shade of white or amber, and

(b) Any light facing to the rear of a vehicle or that can be seen from the rear of a vehicle that is not a shade of white, red or amber.

(2) This section does not apply to any type of light approved for use by local, state or federal law, any light that is factory installed or replica (for example, "blue dot" rear lamp inserts), or any light used during a show or parade.

(3) That, in order to apprise the driving public of this new ordinance, a police officer observing a violation of this provision may issue a warning (written or verbal) relative to such violation for all first offenses of the ordinance, and may, in accordance with the city police manual and procedures, issue citations or further warnings in appropriate circumstances. (1990 Code, § 9-125)
CHAPTER 2

EMERGENCY VEHICLES

SECTION
15-201. Authorized emergency vehicles defined.
15-203. Following emergency vehicles.
15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1990 Code, § 9-201)

15-202. Operation of authorized emergency vehicles. (1) 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 five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1990 Code, § 9-202)

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle
within the block where fire apparatus has stopped in answer to a fire alarm. (1990 Code, § 9-203)

15-204. **Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1990 Code, § 9-204)
CHAPTER 3

SPEED LIMITS

SECTION
15-301. In general.
15-302. At intersections.

15-301. 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-five (35) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1990 Code, § 9-301)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1990 Code, § 9-302)

15-303. In school zones. Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of commissioners has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving.

The school zone speed limit on Sequoyah Road designated for Soddy-Daisy High School, Daisy Elementary, and Sequoyah High School shall be changed from fifteen (15) miles per hour to twenty-five (25) miles per hour when applicable to school traffic. (1990 Code, § 9-303, modified)
CHAPTER 4

TURNING MOVEMENTS

SECTION
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1990 Code, § 9-401)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1990 Code, § 9-402)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1990 Code, § 9-403)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1990 Code, § 9-404)


¹State law reference
Tennessee Code Annotated, § 55-8-143.
CHAPTER 5

STOPPING AND YIELDING

SECTION

15-501. When emerging from alleys, etc.
15-502. To prevent obstructing an intersection.
15-503. At railroad crossings.
15-504. At "stop" signs.
15-505. At "yield" signs.
15-506. At traffic-control signals generally.
15-507. At flashing traffic-control signals.
15-508. At pedestrian control signals.
15-509. Stops to be signaled.

15-501. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1990 Code, § 9-502)

15-502. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1990 Code, § 9-503)

15-503. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
(3) A railroad train is approaching within approximately fifteen hundred (1,500) feet of the highway crossing and is emitting an audible signal indicating its approach.
(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1990 Code, § 9-504)
15-504. 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. (1990 Code, § 9-505)

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. (1990 Code, § 9-506)

15-506. At traffic-control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

1. Green alone, or "Go":
   a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
   b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

2. Steady yellow alone, or "Caution":
   a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
   b. Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

3. Steady red alone, or "Stop":
   a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns on Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.
(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:
   (a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
   (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1990 Code, § 9-507)

15-507. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:
   (a) "Flashing red (stop signal)." When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
   (b) "Flashing yellow (caution signal)." When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1990 Code, § 9-508)

15-508. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) "Wait or Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1990 Code, § 9-509)
15-509. **Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,\(^1\) except in an emergency. (1990 Code, § 9-510)

\(^1\)State law reference  
Tennessee Code Annotated, § 55-8-143.
CHAPTER 6

PARKING

SECTION
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. (1990 Code, § 9-601)

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. (1990 Code, § 9-602)

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 (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1990 Code, § 9-603)
15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

1. On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen feet (15') of a fire hydrant;
5. Within a pedestrian crosswalk;
6. Within twenty feet (20') of a crosswalk at an intersection;
7. Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
8. Within fifty feet (50') of the nearest rail of a railroad crossing;
9. Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
10. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
12. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
13. In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, § 55-8-160(c). (1990 Code, § 9-604)

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. (1990 Code, § 9-605)

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. (1990 Code, § 9-606)
CHAPTER 7

ABANDONED, UNATTENDED, AND DISCARDED VEHICLES

SECTION

15-702. Abandoned or unattended vehicles prohibited.
15-703. Junked, etc. vehicles on street prohibited.
15-704. Junked, etc. vehicles on property restricted.
15-706. Violations; penalty.

15-701. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:
(1) "Property." Any real property within the city which is not a street or highway, or a public right-of-way.
(2) "Vehicle." A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property, or pull machinery, and shall include without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.
(3) "Abandoned." Vehicles on property or public rights-of-way not bearing a current registration, having one or more parts missing for normal operation, deflated tires or wheels removed for a ten (10) day period, presents a possible habitat for disease-bearing rodents.
(4) "Junked vehicle." Any vehicle as defined in this chapter with one or more of the major components wrecked, inoperable, broken or missing, i.e. engine, transmission, tires or wheels, windows, exterior body parts for a period of over ten (10) days in any one thirty (30) day period.
(5) "Unattended vehicle." A vehicle on public property or public right-of-way that has not been moved for a period of forty eight (48) hours. (1990 Code, § 9-701)

15-702. Abandoned or unattended vehicles prohibited. No person shall abandon or leave any vehicle within the city and for such time and under such circumstances as to cause such vehicle reasonably to appear abandoned or unattended. (1990 Code, § 9-702)

15-703. Junked, etc., vehicles on street prohibited. No person shall leave any junked vehicle on any street, alley, or highway within the city, or on any public right-of-way. (1990 Code, § 9-703)

15-704. Junked, etc., vehicles on property restricted. No person in charge or control of any property within the city, whether as owner, tenant,
occupant, lessee, or otherwise, shall allow any junked or abandoned vehicle to remain on such property longer than ten (10) days if visible from any street, alley, or highway within the city, or on any public right-of-way. (1990 Code, § 9-704)

15-705. Removal of violations. The chief of the police department, or any member of his department designated by him; or the public works director, or any member of his department designated by him; or the building inspector, are hereby authorized to remove or have removed, any vehicle left at any place within the city, which reasonably appears to be in violation of this chapter, or is lost, stolen, or unclaimed. The removal may take place when a "notice of violation" sticker or tag has been attached to an abandoned or unattended vehicle for a period of forty eight (48) hours. Said "notice of violation" shall state that vehicle may be impounded or towed if the vehicle is not removed within a forty eight (48) hour period. Such impounded or towed vehicle shall be at the cost of the owner, until lawfully claimed, or disposed of in accordance with the provisions of § 15-805. (1990 Code, § 9-705)

15-706. Violations; penalty. Any person violating any of the provisions of this chapter, shall be punishable by penalty of not more than five hundred dollars ($500.00) and costs for each separate violation. (1990 Code, § 9-706)
CHAPTER 8

ENFORCEMENT

SECTION
15-801. Issuance of traffic citations.
15-802. Failure to obey citation.
15-803. Illegal parking.
15-804. Impoundment of vehicles.
15-806. Deposit of chauffeur’s or operator’s license in lieu of bail.

15-801. **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. (1990 Code, § 9-801)

15-802. **Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1990 Code, § 9-802)

15-803. **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 thirty (30) days during the hours and at a place specified in the citation. (1990 Code, § 9-803)

15-804. **Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle

¹State law reference
or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (1990 Code, § 9-804)


15-806. Deposit of chauffeur's or operator's license in lieu of bail.

(1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any municipal ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) Receipt to be issued. The officer, or the court demanding bail, who receives any person's chauffeur's or operator's license as herein provided, shall issue to said person a receipt for said license upon a form approved or provided by the Tennessee Department of Safety.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with provisions of Tennessee Code Annotated, § 55-7-401 et seq. (1990 Code, § 9-806)
16-1

TITLE 16

STREETS AND SIDEWALKS, ETC

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. IMPROPER USE OF WALKING TRACKS.
4. DEPOSITING GARBAGE.

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.
16-108. Abutting occupants to keep sidewalks clean, etc.
16-110. Animals and vehicles on sidewalks.
16-111. Fires in streets, etc.
16-112. Heavy commercial trucks prohibited from traveling on residential streets

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1990 Code, § 12-301)

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 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. (1990 Code, § 12-302)

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1Municipal code reference
Related motor vehicle and traffic regulations: title 15.
16-103. **Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1990 Code, § 12-303)

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. (1990 Code, § 12-304)

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 or above any public street or alley except when expressly authorized by the board of commissioners. (1990 Code, § 12-305)

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. (1990 Code, § 12-306)

16-107. **Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1990 Code, § 12-308)

16-108. **Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1990 Code, § 12-309)

16-109. **Parades regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city manager. No permit shall be issued by the city manager 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. (1990 Code, § 12-310)

16-110. **Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any
vehicle across or upon any sidewalk in such manner as unreasonably interferes
with or inconveniences pedestrians using the sidewalk. It shall also be unlawful
for any person knowingly to allow any minor under his control to violate this
section. (1990 Code, § 12-312)

16-111. **Fires in streets, etc.** It shall be unlawful for any person to set
or contribute to any fire in any public street, alley, or sidewalk. (1990 Code,
§ 12-313)

16-112. **Heavy commercial trucks prohibited from traveling on
residential streets.** (1) Limitations on truck traffic. No truck having three
(3) or more axles shall travel on a street that has been posted as having
limitations of such nature at any time. The city manager will determine
appropriate limitations after consultation with the public works director and/or
the chief of police. Exceptions to this restriction are permitted for school buses,
moving vans, garbage trucks or common delivery vehicles. The city reserves its
right to pursue payment from truck operators and owners for damages caused
by the use of a posted street by trucks in violation of this section.

(2) The city manager may grant exemptions. Upon application to the
city manager or the city manager's designee, a truck owner or operator may
request a limited exception to this ordinance upon posting of a bond to repair
any damage to any affected city street. The determination as to the extent and
nature of the exemption, the preferred route, and the amount of the bond will
be made in the sole discretion of the city manager or his/her designee. (1990
Code, § 12-314)
CHAPTER 2

EXCAVATIONS AND CUTS

SECTION
16-201. Definitions.
16-202. Permit required.
16-203. Applications.
16-204. Application fee.
16-205. Deposit or bond.
16-206. Manner of excavating--barricades and lights.
16-207. Liability and responsibility for repair.
16-208. Driveway cuts.
16-209. Perpetual care.
16-210. Inspection.
16-211. Specifications.
16-212. Right-of-way encroachment.
16-213. Insurance.
16-214. Time limits.

16-201. Definitions. (1) "City manager." The city official who shall serve as the supervisor for the public works director or any other subordinate employee assigned or delegated direct responsibility for the administration of this chapter.

(2) "Public works director." A person employed by the city to physically inspect any excavation for conformity with the permit and other provisions of this chapter.

(3) "Emergency." A sudden or unexpected occurrence or condition calling for immediate action. The repair of a broken or malfunctioning utility line or services shall be deemed an emergency if a repair is reasonably warranted under existing circumstances prior to the next working day.

(4) "Excavation." Any excavation or tunneling of any public street right-of-way including, but not limited to, excavating in, cutting of, or tunneling of any street, sidewalk or curb for purposes of constructing or maintaining pipes, lines, driveways, or private streets, poles, guy wires, signs, or other utility or private structure or facility. (1990 Code, § 12-101)

16-202. Permit required. It shall be unlawful for any person, firm, corporation, public or private utility, association, or other entity, to make any cut or excavation in any street, curb, alley, or public right-of-way (power and telephone poles excluded), or to tunnel under any street, curb, alley, or public right-of-way in the city without having first obtained a permit, as herein required, and without complying with the provisions of this chapter; and it shall
be unlawful to violate or to vary from the terms of any such permit; provided, however, any person maintaining pipes, lines, driveways, or other facilities in or under the surface of any public right-of-way may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained before hand. Such person shall thereafter apply for a permit on the first regular business day on which the permit shall be retroactive to the date when the work was begun; however, such requirements may be waived by the city manager or his designee. (1990 Code, § 12-102)

16-203. Applications. Applications for such permits shall be made to the city manager or such person designated by him to receive such applications, and shall state thereon the location of the intended excavation, street cut, or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, public or private utility, association, or others doing the actual excavating, and the name of the person, firm, corporation, public or private utility, association, or others for whom the work is being done, and shall contain an express agreement that the applicant will comply with all ordinances and laws relating to the work to be done. The applicant shall disclose any foreseeable lane or sidewalk closures or detours during excavation. Such application shall be rejected or approved by the city manager or his designee within five (5) working days of its filing. The action of the city manager or his designee in granting or refusing a permit shall be final, except as it may be subject to review at law. A permit may be refused for the following reasons:

1. The proposed excavation should be redesigned to mitigate a potential safety hazard;
2. The proposed excavation should be redesigned to mitigate damage within the right-of-way;
3. The proposed excavation cannot be safely made in the street right-of-way;
4. The proposed restoration plan does not meet the minimum standards for restoration;
5. The applicant has willfully failed to comply with conditions of prior permits issued to the applicant; provided that such disqualification shall be removed upon correction of any such defects;
6. For other good cause in the discretion of the city manager or his designee.

Provided, that as to an excavation done in emergency circumstances the application shall be completed on the next working day; and the city manager or his designee shall review the actual work completed for conformity with the requirements hereof. (1990 Code, § 12-103)
16-204. **Application fee.** Each application shall be accompanied by a fee as follows:

- Driveway $25.00 each
- Bore $250.00 each + $5,000.00 Bond
- Road cut $250.00 each + $5,000.00 Bond
- Utility cut $250.00 each + $5,000.00 Bond
- Emergency utility cut for repair after 4:00 P.M. and weekends $50.00 each + $5,000.00 Bond
- Cut parallel to road $1.00/ft in right-of-way
  - min. $250.00
  - $0.50/ft. in right-of-way
  - min. $150.00
- Admin. fee $5.00

(1990 Code, § 12-104, modified)

16-205. **Deposit or bond.** The City of Soddy-Daisy may require a cash deposit or surety bond. The deposit or surety bond shall be as provided in § 16-204 for each job or activity or in the amount of one thousand dollars ($1,000.00) on an annual basis. The deposit or surety bond shall insure proper restoration of the ground and laying of pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city manager, city engineer or such person designated by the city manager may increase the amount of the deposit or surety bond to an amount considered to be adequate to cover the cost. If the applicant fails to perform as per requirements in § 16-207 of this chapter, expenses incurred by the City of Soddy-Daisy for proper street restoration will be deducted from the deposit or surety bond. In the event expenses are deducted from an annual surety bond, it shall be the responsibility of the applicant to deposit with the City of Soddy-Daisy, within two (2) working days, cash or bond in an amount sufficient to maintain annual bond level at one thousand dollars ($1,000.00). Expenses incurred by the City of Soddy-Daisy for property restoration in excess of deposit or bond shall be charged to the person, firm, corporation, or association who made the cut, excavation or tunnel. In addition the applicant shall guarantee that any excavation, tunnel, cut, bore or any existing underground utilities on city streets or right-of-ways shall not cost the city funds for any reason. If such cost is incurred, the person, agent, or organization shall be billed one hundred percent (100%) of actual cost plus twelve percent (12%) general administration. No deposit or bond shall be required of security companies (1990 Code, § 12-105, modified)

16-206. **Manner of excavating—barricades and lights.** 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, lights and
other traffic control devices shall be maintained to prevent accidents and injury to persons or property. If any sidewalk is blocked, a temporary sidewalk shall be provided which shall be safe for travel and convenient for users. No work shall be done which deviates from the plans approved and until a change of plan has been secured from the city manager or his designee. All expenses of such safety measures and temporary sidewalks shall be borne by the applicant or owner. (1990 Code, § 12-106)

16-207. **Liability and responsibility for repair.** 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 the street, alley or public place to its original condition at its own expense promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city manager or his designee 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 plus twelve percent (12%) administrative fee 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, and accurate account of the expense involved shall be kept, and the total including overhead cost and twelve percent (12%) administrative fee shall be charged to the person, corporation, association, or others who made the excavation or tunnel. Restoration of said street, alley or right-of-way shall be to specifications and requirements set by the City of Soddy-Daisy. No deviation from the specifications and requirements shall be allowed without specific written authorization from the city manager, city engineer or authorized agents. (1990 Code, § 12-107)

16-208. **Driveway cuts.** No person, firm, corporation, association, or other entity shall cut, build, or maintain a driveway across a city right-of-way without first obtaining a permit. Such permit will not be issued when the proposed 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. It shall be unlawful for any land owner to construct or maintain his driveway in such a manner that driveway material, (dirt, mud, gravel, etc.) will move onto the street or right-of-way due to inclement weather or any other reason. In the event driveway material moves onto any city street from any new or existing driveway, it shall be the responsibility of the land owner to promptly remove
debris (dirt, mud, gravel, etc.) from the street or right-of-way to restore the street or right-of-way to its original condition.

General requirements for driveway connections other than commercial.
(1) There will be a minimum of one (1) driveway per parcel or lot of record which must access an already constructed dedicated and publicly accepted state, county or municipal street or road.
(2) The location of the driveway must be approved by the public works director or his designee.
(3) The driveway shall be a minimum of ten feet (10') in width with a turning radius as follows:
   90° 24'
   60° 26'
   30° 30'
(4) The driveway tile must be concrete, or plastic corrugated with a minimum of twelve inch (12") cover, or approved corrugated galvanized metal.
(5) The size of the tile to be installed will be determined by the public works director or his designee.
(6) Depending upon the elevation of the driveway, the public works director may require stabilization, with silt fencing, straw bales, rip rap, check dams, retention ponds as deemed necessary in his discretion.
(7) The first twenty-five feet (25') of drive from the city street must have a four inch (4") base of crushed stone and two inch (2") asphalt or four inch (4") concrete.
(8) Requirement (7) may be omitted provided that the driveway connection is determined to be temporary. Temporary connections cannot exceed forty-five (45) days.
(9) Requirement (7) may be omitted provided that the driveway connection is for construction of a single family dwelling. A temporary construction connection permit for the single family dwelling cannot exceed one (1) year.
(10) Commercial driveway requirements shall conform to standards as set forth in the zoning ordinance and site plan regulations. (1990 Code, § 12-108)

16-209. **Perpetual care.** Any person, firm, corporation, public or private utility, association, or other entity affecting a public way with the city shall be responsible for the perpetual care of all street cuts until the street is resurfaced by the City of Soddy-Daisy. Repairs shall be made in accordance with specifications furnished by the City of Soddy-Daisy. It shall be the responsibility of the city manager or his designee to give notice in writing to appropriate utilities when street repairs are needed. The notice shall state location of needed repairs and specify a reasonable period of time in which repairs must be made. Failure to comply with the notice shall be a violation of
the law and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1990 Code, § 12-109)

16-210. Inspection. The city manager or his designee shall from time to time inspect all excavations and tunnels being made in or under any public street, curb, alley, or other public right-of-way in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him before the work of refilling any such excavation or tunnel commences and the work may not commence until the inspector arrives at the site or gives verbal permission to proceed. (1990 Code, § 12-110)

16-211. Specifications. Each permit shall be assigned a set of restoration specification standards. These specifications will be referenced by number and so indicated on the permit. It shall be the responsibility of the city engineering department or public works department to maintain and provide the specification standards. The permittee may request a copy as required. The cost of the specification shall be limited to reproduction cost and paid by the permittee. (1990 Code, § 12-111)

16-212. Right-of-way encroachment. In the development of private property which abuts on any public right-of-way, to include the road pavement and shoulders and the buffer area which extends between the travelled way and the right-of-way line, and the construction of driveways thereto, it shall be unlawful for any person to regrade the buffer area by cutting or filling or doing any such work without first obtaining the approval of the superintendent of streets. All improvements in the buffer area, including driveways, shall be accomplished in such a way as not to impair drainage within the right-of-way nor alter the stability of the roadway subgrade and at the same time not impair or materially alter the drainage of the adjacent areas. All culverts, catch basins, drainage channels and other drainage structures placed in the buffer area and under driveways as the result of property being developed shall be installed in strict accordance with specifications and standards prescribed by the superintendent of streets. (1990 Code, § 12-112)

16-213. Insurance. In addition to making the deposit hereinbefore provided to be made, each person applying for such a permit shall file a certificate of insurance or other suitable instrument 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 work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city manager in accordance with the
nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than three hundred thousand dollars ($300,000.00) for each person and seven hundred thousand dollars ($700,000.00) for each accident, and for property damages an amount not less than one hundred thousand dollars ($100,000.00) in any one (1) accident. (1990 Code, § 12-113, modified)

16-214. **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 city manager. (1990 Code, § 12-114)

16-215. **Penalty.** Any person, firm, corporation, public or private utility, association, or others violating any provision of this chapter shall be punished in accordance with the general penalty provision of this municipal code of ordinances. (1990 Code, § 12-115)
CHAPTER 3

IMPROPER USE OF WALKING TRACKS

SECTION
16-301. Purpose.
16-302. Vehicles prohibited.
16-303. Additional prohibited uses.
16-304. Exceptions.

16-301. **Purpose.** The purpose of this chapter is to prohibit specified uses of walking tracks in the City of Soddy-Daisy. (1990 Code, § 12-201)

16-302. **Vehicles prohibited.** It shall be unlawful for any person, firm or corporation to place upon the walking tracks any machine propelled by power, including human power, designed to travel along the ground by use of wheels, treads, or slides, and transport persons or property, or pull machinery, and shall include without limitation, automobile, truck, trailer, go carts, motorcycle, three wheeler, bicycle, tractor, buggy and wagon. (1990 Code, § 12-202)

16-303. **Additional prohibited uses.** It shall be unlawful for any person, firm, or corporation to engage in any activity inconsistent with walking and shall expressly including the following: ball playing, frisbee throwing, running, horseback riding, skate boarding, horseplay, etc. (1990 Code, § 12-203)

16-304. **Exceptions.** Wheelchairs may be permitted, walkers will be allowed to push children in baby strollers and the city commission may approve certain special event activity. (1990 Code, § 12-204)
CHAPTER 4

DEPOSITING GARBAGE

SECTION
16-401. Depositing garbage without permission prohibited.
16-402. Penalty.

16-401. **Depositing garbage without permission prohibited.** No person shall place garbage, refuse, rubbish or other substances in any garbage container not owned by him or her or provided for his or her use and without the permission of the owner thereof. (1990 Code, § 12-402)

16-402. **Penalty.** Any person, firm, business, corporation, public or private utility, association, club, civic organization, or others violating any provisions of this chapter shall be punished in accordance with the provisions of this section of the municipal code. Notwithstanding any other penalty provision in the city code, a violation of this chapter shall be punishable by a penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license on the taking of any punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. (1990 Code, § 12-403, modified)
TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER 1

REFUSE

SECTION

17-102. Premises to be kept clean.
17-103. Storage.
17-104. Location of containers.
17-105. Disturbing containers.
17-106. Collection.
17-109. Permit required.
17-110. Permit revocation.
17-111. Violations.

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. (1990 Code, § 8-401)

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. (1990 Code, § 8-402)

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-three (33) gallons, except that this

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1 Municipal code reference
   Property maintenance regulations: title 13.
maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall 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. (1990 Code, § 8-403)

17-104. Location of containers. Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1990 Code, § 8-404)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1990 Code, § 8-405)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the city manager. Collections shall be made regularly in accordance with an announced schedule. (1990 Code, § 8-406)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1990 Code, § 8-407)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of commissioners is expressly prohibited. (1990 Code, § 8-408)

17-109. Permit required. (1) It shall be unlawful for any person or entity to engage in the business of, or offer the services of garbage or refuse
disposal within the meaning of this chapter without having first obtained a permit from the city manager for the operation of said service.

(2) Permits will be issued when the following requirements are met:

(a) A certificate of any underwriter that the applicant has in force a policy, or policies of insurance issued by an insurance company authorized to transact business within the State of Tennessee carrying general liability coverage for the operation of equipment or vehicles for bodily injuries in the amount of three hundred fifty thousand dollars ($350,000.00) for any one (1) person killed or injured, one hundred thirty thousand dollars ($130,000.00) for more than one (1) person injured or killed in any one (1) accident, and fifty thousand dollars ($50,000.00) for all damage arising from injury to or destruction of property. Such certificate of insurance must also contain an endorsement providing for a minimum of ten (10) days notice to the city in the event of any cancellation of the policy.

(b) A contract, agreement, or other indicia of regular disposal of refuse at a governmentally approved or operated waste disposal site.

(c) Payment of the annual permit fee of ten dollars ($10.00) is hereby instituted as of January 1, 1991.

(3) Any garbage disposal service having a contract with the city to perform the city's garbage collection service will not be required to obtain such permit. (1990 Code, § 8-413)

17-110. Permit revocation. The city manager may revoke the permit of any permittee if:

(1) The permit was procured by fraudulent conduct or false statement of a material fact or a fact concerning the applicant which was not disclosed at the time of his making the application that would have constituted just cause for refusing to issue such permit;

(2) The permittee violates any provision of this chapter. (1990 Code, § 8-414)

17-111. Violations. It shall be unlawful to wilfully fail to pay the fee assessed by this chapter after the date said fee is delinquent, or to violate any other provision of this chapter. (1990 Code, § 8-415)
TITLE 18

WATER AND SEWERS

CHAPTER
1. WATER
2. SEWER USE AND WASTEWATER TREATMENT.
3. STORM WATER.

CHAPTER 1

WATER

SECTION
18-101. To be furnished by utility district.


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1Municipal code references
   Building, utility and housing codes: title 12.
   Refuse disposal: title 17.
CHAPTER 2

SEWER USE AND WASTEWATER TREATMENT

SECTION
18-201. Purpose and policy.
18-203. Connection to public sewers.
18-204. Private domestic wastewater disposal.
18-205. Regulation of holding tank waste disposal.
18-206. Application for domestic wastewater connection and industrial wastewater discharge permits.
18-207. Discharge regulations.
18-208. Exception to wastewater strength standard.
18-209. Industrial user monitoring, inspection reports, records access, and safety.
18-210. Enforcement and abatement.
18-211. Penalties; costs.
18-212. Fees and billing.

18-201. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Soddy-Daisy, Tennessee, wastewater treatment system. The objectives of this chapter are:

(1) To protect the public health;
(2) To provide problem free wastewater collection and transmission to the City of Chattanooga treatment plant;
(3) To prevent the introduction of pollutants into the municipal wastewater system, which will interfere with the system operation, which will cause the system discharge to violate an intermunicipal agreement between the City of Soddy-Daisy and the City of Chattanooga or other applicable state requirements, or which will cause physical damage to the wastewater system facilities;
(4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
(5) To enable the City of Soddy-Daisy to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal, and state laws and regulations;

In meeting these objectives, this chapter provides that all persons in the service area of the City of Soddy-Daisy must have adequate wastewater disposal either in the form of a connection to the municipal wastewater system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of
wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the City of Soddy-Daisy, Tennessee, and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided herein, the city manager of the City of Soddy-Daisy shall administer, implement, and enforce the provisions of this chapter. (1990 Code, § 8-201)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

(2) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(3) "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 facilities from which the indirect discharge originates.

(4) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees (20°) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to a community sewer.

(6) "Categorical standards." The national categorical pretreatment standards or pretreatment standard.

(7) "City." The City of Soddy-Daisy, a municipal corporation.

(8) "City manager." The city manager or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.
(9) "Compatible pollutant" shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the intermunicipal agreement.

(10) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(11) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the city manager if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

(12) "Customer" means any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

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

(14) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(15) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(16) "Garbage" shall mean solid wastes generated from any domestic, commercial or industrial source.

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

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

(19) "Incompatible pollutant" shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

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

(21) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

(22) "Interference." The inhibition or disruption of the municipal wastewater processes or operations which contributes to a violation of any requirement of the intermunicipal agreement.

(23) "Intermunicipal agreement." An executed document between the City of Soddy-Daisy and the City of Chattanooga that allows the discharge of
wastewater from the City of Soddy-Daisy to the treatment facilities of the City of Chattanooga.

(24) "Mass emission rate." 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.

(25) "Maximum concentration." The maximum amount of a specified pollutant in a volume of water or wastewater.

(26) "National categorical pretreatment standard or pretreatment standard." 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 a specific category of industrial users.

(27) "NPDES" (National Pollution Discharge Elimination System) shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act, as amended.

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

(29) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(30) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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

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

(33) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological
processes, or process changes or other means, except as prohibited by 40 CFR Section 40.36(d).

(34) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(35) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City of Soddy-Daisy. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Soddy-Daisy who are, by contract or agreement with the City of Soddy-Daisy, users of the city's POTW.

(36) "POTW treatment plant." The wastewater treatment plant as owned and operated by the City of Chattanooga and that portion of the POTW designed to provide treatment to wastewater.

(37) "Shall" is mandatory; "May" is permissive.

(38) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(39) "State." The State of Tennessee.

(40) "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(41) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(42) "Storm sewer or storm drain" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the city manager.

(43) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(44) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

(45) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24)
hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(46) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(47) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(48) "Wastewater treatment systems." Defined the same as POTW.

(49) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof. (1990 Code, § 18-202)

18-203. Connection to public sewers. (1) Requirements for proper wastewater disposal.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the City of Soddy-Daisy, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

(c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) Except as provided in § 18-203(1)(f & g) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the property line over public access.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.
(f) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-204 of this chapter.

(g) Where a public or private water supply is not available and plumbing is not a part of the construction of the building, a sanitary pit privy shall be provided in accordance with § 8-204 of this chapter.

(2) **Physical connection** public sewer.  (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without obtaining a written permit from the city manager as required by § 18-206 of this chapter.

The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city manager. A connection fee shall be paid to the city at the time the application is filed.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings, only when they are found, on examination and tested by the owner, to meet all requirements of this chapter. Tests shall be performed to the satisfaction of the city manager. All others must be sealed to the specifications of the city manager.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows:

Conventional sewer system: Four (4") inches.

(ii) The minimum depth of a building sewer shall be eighteen (18") inches.

(iii) Building sewers shall be laid on the following grades:

Four (4") inch sewers: One eighth (1/8) inch per foot.

Larger building sewers shall be laid on a grade that will produce a velocity, when flowing full, of at least two (2.0) feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.
(v) Building sewers shall be constructed only of ductile iron pipe class 50 or polyvinyl chloride pipe SDR-35 for gravity sewers. Joints shall be rubber or neoprene "o" ring compression joints. No other joints shall be acceptable.

(vi) A cleanout shall be located five (5) feet outside of the building, one as it crosses the property line and one at each change of direction of the building sewer which is greater than forty five (45) degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wyre) and one eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches.

(vii) Connections of building sewers to the public sewer system shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the city manager.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one eighth (1/8) inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by a pump and discharged to the community sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the city manager before installation.
(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

3) Inspection of connections.

(a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the city manager or his authorized representative.

(b) The applicant for discharge shall notify the city manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city manager or his representative.

4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer as deemed necessary by the city manager to meet specifications of the city. (1990 Code, § 8-203)

18-204. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d), but the structure, building or residence has plumbing and is using a water supply, either public or private, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Where a public sanitary sewer is not available under provisions of § 18-203(1)(d) and a public or private water supply is not available, a sanitary pit privy may be used.

(c) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to one eighth (1/8) inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-303, the owner shall provide a private sewage pumping station as provided in § 18-203(2)(e)(viii).

(d) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.
(2) Requirements.  (a) A sanitary pit privy or private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the city manager stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Hamilton County Health Department.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the Hamilton County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Hamilton County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Hamilton County Health Department. They shall be allowed to inspect the work at any stage of construction, and the owner shall notify the Hamilton County Health Department when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Hamilton County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health and Environment of the State of Tennessee, and the Hamilton County Health Department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When the public sewer becomes available, the building sewer, or the septic tank effluent line shall be connected to the public sewer within sixty (60) days of the date of availability and the private sewage disposal system should be cleaned of sludge and if no longer used as a part of the city's treatment system, filled with suitable material.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the City of Soddy-Daisy and the Hamilton County Health Department. (1990 Code, § 8-204)

18-205. Regulation of holding tank waste disposal. No person, firm, association or corporation shall dump, drain, or flush any septic tank waste or any other type of wastewater or excreta from a private disposal system into the Soddy-Daisy sewer system. (1990 Code, § 8-205)
18-206. Application for domestic wastewater connection and industrial wastewater discharge permits. (1) Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the city manager for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received and approved by the city manager, the building sewer is installed in accordance with § 18-203 of this chapter, and an inspection has been performed by the city manager or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall acquire a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the city manager, an application on a prescribed form accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within sixty (60) days after the effective date of this chapter, and proposed new users shall apply at least sixty (60) days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC number of applicant; wastewater volume; wastewater constituents and characteristics, including but not limited to those mentioned in § 18-307(12) and (13) discharge variations -- daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each produce produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment
and/or equalization facilities, and any other information deemed necessary by the city manager.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the city manager for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant for such service.

(vii) The city manager will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the city manager that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the city manager, the city manager shall deny the application and notify the applicant in writing of such action.
(c) **Permit conditions.** Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum rate and time of discharge or requirements and equalization.

(iii) Requirements for installation and maintenance of inspections and sampling facilities;

(iv) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(v) Compliance schedules;

(vi) Requirements for submission of technical reports or discharge reports;

(vii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(viii) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(ix) Requirements for notification of slug discharged;

(x) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) **Permit modifications.** Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the city manager within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by § 18-306(2)(b)(ii) and (iii). The terms and conditions of the permit may be subject to modification by the city manager during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) **Permits duration.** Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The
user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter 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 federal, state, or local law or regulation.
(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city manager that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use related to this chapter. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the city manager as confidential shall not be transmitted to any governmental agency or to the general public by the city manager until and unless prior and adequate notification is given to the user. (1990 Code, § 8-206)
18-207. Discharge regulations. (1) Purpose and policy. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works of the City of Soddy-Daisy, Tennessee. Pretreatment of some wastewater discharge will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth herein, and other prohibitions and limitations of this section, are subject to change as necessary to enable the City of Chattanooga, Tennessee, to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the City of Chattanooga, Tennessee, to meet requirements contained in its NPDES permit.

(2) Prohibited pollutants. 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:

(a) Pollutants which create a fire or explosion hazard in the POTW;
(b) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than five (5.0) or higher than ten and one half (10.5);
(c) 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;
(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;
(e) 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 sixty five and one half degrees (65.5°) Centigrade (one hundred fifty degrees (150°) Fahrenheit).

(3) Wastewater constituent evaluation. The wastewater of every industrial user shall be evaluated for compliance with the intermunicipal agreement between the City of Soddy-Daisy and the City of Chattanooga, Tennessee.

(4) National pretreatment standards. 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 section.
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 (3) 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.

(5) Prohibitions on storm drainage and ground water. Storm water, ground water, rain water, street drainage, roof top drainage, basement drainage, sub-surface drainage, or yard drainage if unpollluted 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.

(6) Unpolluted water. Unpolluted water, including, but not limited to cooling water or process water, shall not be discharged through direct or indirect connections to a community sewer except on the same conditions as provided in paragraph (5) hereinabove.

(7) Limitation on radioactive waste. No person shall discharge or permit to be discharged any radioactive waste into the community sewer.

(8) Limitations on the use of garbage grinders. 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. This portion shall not apply to domestic residences.

(9) Limitations on point of discharge. 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 city manager. The city manager shall incorporate in such temporary permit such conditions as he deems reasonably necessary to insure compliance with the provisions of this section and the user shall be required to pay applicable charges and fees therefor.

(10) Septic tank pumping, hauling, and discharge. No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW.

(11) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW.
(12) Limitations on wastewater strength. No person or user shall discharge wastewater in excess of the concentration set forth in the table below unless: (a) an exception has been granted the user under the provisions of § 18-208; or (b) 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.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum Concentration mg/l (24 hour flow)</th>
<th>Maximum Instantaneous Concentration mg/l (Grab Sample)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Proportional Composite Sample</td>
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<tr>
<td>Biochemical Oxygen Demand</td>
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<td>Chemical Oxygen Demand</td>
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<td>Zinc</td>
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<td>Oil &amp; Grease (Petroleum and/or Mineral)</td>
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<td>200.0</td>
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As established by the intermunicipal agreement between Soddy-Daisy and Chattanooga.

(13) Criteria to protect the treatment plant influent of the City of Chattanooga. The city manager shall monitor the City of Soddy-Daisy effluent for each parameter in the following table. The industrial users shall be subject to the reporting and monitoring requirements set forth in § 18-209 as to these parameters. In the event that the effluent reaches or exceeds the levels established by said table, the city manager shall initiate technical studies to determine the cause of the influent violation, and shall recommend such remedial measures as are necessary, including but not limited to recommending the establishment of new or revised pretreatment levels for these parameters. The city manager shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum Concentration (mg/l)</th>
<th>Proportional Composite Sample</th>
<th>Maximum Instantaneous Concentration (mg/l)</th>
<th>Grab Sample</th>
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<tr>
<td>Aluminum dissolved (AL)</td>
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Phenols 1.00  2.0
Selenium (Se) 0.005 0.01
Silver (Ag) 0.05 0.1
Sulfide 25.0  40.0
Titanium dissolved 1.0  2.0
Zinc (Zn) 2.0  4.0
Total Kjeldahl 45.00 90.00
Oil & Grease 25.00 50.00
MBAS 5.00 10.0
Total Dissolved Solids 1,875.00 3,750.0
BOD * *
COD * *
Suspended Solids * *

*As established by the intermunicipal agreement between Soddy-Daisy and Chattanooga.

(14) Pretreatment requirements. 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 set forth in paragraph (13) of this section, to meet applicable national pretreatment standards, or to meet any other wastewater condition or limitation contained in the user's wastewater discharge permit.

Plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer, and shall be submitted to the city manager for review in accordance with accepted engineering practices. The city manager shall review said plans within forty five (45) 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 city manager. 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 city manager with "as built" drawings to be maintained by the city manager.

(15) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the city manager from
establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause a violation of the intermunicipal agreement, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and Environment and/or the United States Environmental Protection Agency.

(16) **Accidental discharges.** (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the city manager before the facility is constructed. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) **Notification of accidental discharge.** Any person causing or suffering from any accidental discharge shall immediately notify the city manager (or designated official) in person, by the telephone to enable countermeasures to be taken by the city manager to minimize damage to the POTW, the health and welfare of the public, and the environment. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) **Notice to employees.** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. In lieu of placing notices on bulletin boards, the users may submit an approved SPIC. Each user shall annually certify to the city manager compliance with this paragraph. (1990 Code, § 8-207)
18-208. **Exception to wastewater strength standard.** (1) **Applicability.** This section provides a method for nonresidential users subject to the limitation on wastewater strength parameters listed in § 18-207 to apply for and receive a temporary exception to the discharge level for one or more parameters.

(2) **Time of application.** Applicants for a temporary exception shall apply for same at the time they are required to apply for wastewater discharge permit or a renewal thereof. Provided, however, that the city manager shall allow applications at any time with just cause demonstrated by the user.

(3) **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.

(4) **Review by city manager.** All applications for an exception shall be reviewed by the city manager. If the application does not contain sufficient information for complete evaluation, the city manager shall notify the applicant of the deficiencies and require additional information. The applicant shall have thirty (30) days following notification by the city manager to correct such deficiencies. This thirty (30) day period may be extended upon application and for just cause shown. Upon receipt of a complete application the city manager shall evaluate same within thirty (30) days and shall submit his recommendations to the board of mayor and commissioners at its next regularly scheduled meeting.

(5) **Review by city board of mayor and commissioners.** The City Board of Soddy-Daisy shall review and evaluate all applications for an exception only if the exception will not cause a violation of the parameters established by the intermunicipal agreement between the City of Soddy-Daisy and the City of Chattanooga. (1990 Code, § 8-208)

18-209. **Industrial user monitoring, inspection reports, records access, and safety.** (1) **Monitoring facilities.** The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the city manager.

When in the judgment of the city manager, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the city manager may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the city manager, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The city manager may, however, when such a location would be impractical or cause undue hardship on the user, allow
the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(2) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(3) Compliance date report. Within one hundred eighty (180) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the city manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a professional engineer registered to practice engineering in Tennessee.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the city manager during the months of June and December, unless required more frequently in the pretreatment standard or by the city manager, a report indicating the
nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the city manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city manager may agree to alter the months during which the above reports are to be submitted.

(b) The city manager may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the city manager of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto. Sampling shall be performed in accordance with techniques approved by the administrator.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
(b) The dates analyses were performed;
(c) Who performed the analyses;
(d) The analytical techniques/methods used; and
(e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the city manager, Director of the Division of Water Quality Control, Tennessee Department of Health and Environment, 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 city manager, the approval authority, or the Environmental Protection Agency.
(6) **Safety.** While performing the necessary work on private properties, the city manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1990 Code, § 8-209)

18-210. **Enforcement and abatement.** (1) **Issuance of cease and desist orders.** When the city manager finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the city manager shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:
   (a) Comply immediately;
   (b) Comply in accordance with a time schedule set forth by the city manager;
   (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
   (d) Surrender the applicable user's permit if ordered to do so after a show cause hearing.
   Failure of the city manager to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) **Submission of time schedule.** When the city manager finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the city manager shall require the user to submit for approval, with such modifications as he deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the city manager within thirty (30) days of the issuance of the cease and desist order.

(3) **Show cause hearing.** (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board of mayor and commissioners why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of mayor and commissioners regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board of mayor and commissioners why the proposed enforcement action should not be taken. The notice
hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The board of mayor and commissioners may itself conduct the hearing and take the evidence, or the board of mayor and commissioners may appoint a person to:

(i) Issue in the name of the board of mayor and commissioners notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
(ii) Take the evidence;
(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board of mayor and commissioners for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of reproduction costs.

(d) After the board of mayor and commissioners or the appointed persons have reviewed the evidence, they may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

(5) Emergency termination of service. The city manager may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its intermunicipal agreement with Chattanooga.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city
shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.

(6) Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the board of mayor and commissioners or city manager as authorized by this chapter is hereby declared a public nuisance and shall be corrected or abated as directed by the board of mayor and commissioners. Any person creating a public nuisance shall be subject to the provisions of the city code or ordinances governing such nuisance.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the city manager shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating this chapter or the owner or tenant of the property upon which the violation occurs, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the city manager shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The City of Soddy-Daisy shall sue for such damage in any court of competent jurisdiction. (1990 Code, § 8-210)

18-211. Penalties; costs. Civil penalties. Any user who is found to have violated an order of the board of mayor and commissioners or the city manager, or who willfully or negligently fails to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than fifty dollars ($50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, engineering fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (1990 Code, § 8-211)
18-211. **Fees and billing.** (1) **Purpose.** It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) **Types of charges and fees.** The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

(a) Inspection fee and tapping fee;
(b) Fees for applications for discharge;
(c) Sewer use charges;
(d) Surcharge fees;
(e) Industrial wastewater discharge permit fees;
(f) Fees for industrial discharge monitoring; and
(g) Other fees as the city may deem necessary.

(3) **Fees for application for discharge.** A fee may be charged when a user or prospective user makes application for discharge as required by § 18-206 of this chapter.

(4) **Inspection fee and tapping fee.** An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed.

(5) **Sewer user charges.** The board of mayor and commissioners shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) **Industrial wastewater discharge permit fees.** A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-306 of this chapter.

(7) **Fees for industrial discharge monitoring.** Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program. (1990 Code, § 8-212)

18-213. **Validity.** This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Soddy-Daisy, Tennessee. (1990 Code, § 8-212)
CHAPTER 3

STORM WATER

SECTION
18-301. Storm water ordinance.

18-301. Storm water ordinance. (1) General provisions. (a) Program area. This ordinance is applicable and uniformly enforceable within the Tennessee municipalities of Collegedale, East Ridge, Lakesite, Lookout Mountain, Red Bank, Ridgeside, Soddy-Daisy, designated unincorporated areas within Hamilton County, and other eligible communities which may join the Hamilton County Storm Water Control Program (hereinafter called the program) and enact this ordinance from time to time. All such participating communities are hereinafter collectively identified as "the parties."

(b) Authorization. The program is authorized under an interlocal agreement dated April 16, 2004, adopted by all of the parties pursuant to Tennessee Code Annotated, Tennessee Code Annotated, §§ 5-1-113 and 12-9-101. Said interlocal agreement specifies that the program shall be enforced by Hamilton County under applicable county rules pursuant to Tennessee Code Annotated, §§ 5-1-121 and 5-1-123. Applicable terms and provisions of said interlocal agreement and the standard operating procedures for the Hamilton County Storm Water Pollution Control Program, adopted by the parties subsequent to the interlocal agreement, are hereby incorporated into and made a part of this ordinance by reference and shall be as binding as if reprinted in full herein.

(c) Purpose. It is the purpose of this ordinance to:

(i) Protect, maintain, and enhance the environment of the program service area and the health, safety, and the general welfare of its citizens by controlling discharges of pollutants to the program's storm water system.

(ii) 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 ground water.

(iii) Enable the parties to comply with the National Pollution Discharge Elimination System (NPDES) permit and applicable regulations (40 CFR § 122.26) for storm water
discharges. Compliance shall include the following six (6) minimum storm water pollution controls as defined by US EPA:

(A) Public education and outreach
(B) Public participation
(C) Illicit discharge detection and elimination
(D) Construction site runoff control for new development and redevelopment
(E) Post-construction runoff control for new development and redevelopment
(F) Pollution prevention/good housekeeping for municipal operations

(iv) Allow the parties to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, to:

(A) Exercise general regulation over the planning, location, construction, operation, and maintenance of storm water facilities in the municipalities, whether or not the facilities are owned and operated by the municipalities,
(B) 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.
(C) Establish standards to regulate storm water contaminants as may be necessary to protect water quality.
(D) Review and approve plans and plats for storm water management in proposed subdivisions or commercial developments.
(E) Issue permits for storm water discharges or for the construction, alteration, extension, or repair of storm water facilities.
(F) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit.
(G) Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated. This regulation and prohibition shall be enforceable on facilities and operations which are in existence at the time of the initial adoption of this ordinance or which may come into existence after the adoption of this ordinance.

(d) **Goals of the program.** The primary goals of the program are to:

(i) Raise public awareness of storm water issues.
(ii) Generate public support for the program.
(iii) Teach good storm water practices to the public.
(iv) Involve the public to provide and extension of the program's enforcement staff.
(v) Support public storm water pollution control initiatives.
(vi) Increase public use of good storm water practices.
(vii) Detect and eliminate illicit discharges into the program service area.
(viii) Reduce pollutants from construction sites.
(ix) Treat the "first flush" pollutant load to remove not less than seventy five percent (75%) total suspended solids (TSS).
(x) Remove oil and grit from industrial/commercial site runoff.
(xi) Protect downstream channels from erosion.
(xii) Encourage the design of developments that reduce runoff.
(xiii) Reduce or eliminate pollutants from municipal operations.
(xiv) Provide a model for good storm water practices to the public through municipal operations impacting storm water (i.e., municipalities should "lead by example").
(e) Administering entity. The program staff shall administer the provisions of this ordinance under the direction of the management committee, composed of representatives of the parties. The operating mechanism for the program is defined by an interlocal agreement among the parties and the standard operating procedures adopted by same. The management committee is authorized to enforce this ordinance and to use its judgment in interpreting the various provisions of this ordinance, the interlocal agreement, and the standard operating procedures to ensure that the program’s goals are accomplished. If any management committee member is concerned about the appropriateness of any action of the committee, he should report his concerns to the county attorney, who shall review the situation and issue an opinion within ninety (90) calendar days. Should the county attorney find that the committee has, in his judgment, acted inappropriately, but a majority of the committee, after due deliberation, disagree with said finding, the committee shall bring the matter before the county commission for consideration. The determination of the county commission with regard to the issue shall be final.
(2) Definitions. (a) Program-specific terminology. As used herein certain words and abbreviations have specific meanings related to the program. The definition of some, but not necessarily all, such program-specific terms are, for the purposes of this ordinance, to be interpreted as described hereinbelow:
(i) "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of storm water runoff. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(ii) "BMP manual" is a book of reference which includes additional policies, criteria, and information for the proper implementation of the requirements of the program.

(iii) "First flush" is defined as the initial storm water runoff from a contributing drainage area which carries the majority of the contributed pollutants.

(iv) "Hot spot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water. Examples might include operations producing concrete or asphalt, auto repair shops, auto supply shops, large commercial parking areas, and restaurants.

(v) "Land disturbance activity" means any land change which may result in increased 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 that the term shall not include agricultural activities, exempted under the Clean Water Act, and certain other activities as identified in the program's BMP Manual.

(vi) "Maintenance agreement" means a legally recorded document which acts as a property deed restriction and which provides for long-term maintenance of storm water management practices.

(vii) "Management committee" is a group of people composed of one (1) representative of the county and one (1) representative of each of the cities participating in the program.

(viii) "Municipality" as used herein refers to Hamilton County, Tennessee, a county and political subdivision of the State of Tennessee; the Cities of Collegedale, East Ridge, Lakesite, Red Bank, Ridgeside, and Soddy-Daisy, Tennessee, and the Town of Lookout Mountain, Tennessee, all of which are chartered municipalities of the State of Tennessee; and/or any other participating governmental entity which may join the program in the future.

(ix) "Organization" means a corporation, government, government subdivision or agency, business trust, estate, trust,
partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(x) "Person" means an individual or organization.

(xi) "Program" refers to a comprehensive program to manage the quality of storm water discharged in or from the program area's municipal separate storm sewer system (MS4).

(xii) "Program cost" refers to any monetary cost incurred by the program in order to fulfill the responsibilities and duties assigned to the program under this ordinance. Program costs specifically include costs incurred by any participating municipality for actions performed on behalf of or at the request of the program.

(xiii) "Program service area" shall consist of the entire physical area within the corporate limits of each participating city together with the urbanized unincorporated area of the county.

(xiv) "Program manager." See Storm water manager.

(xv) "Program staff" is a group of people hired to assist the program manager in carrying out the duties of the program.

(xvi) "Responsible party" means owners and/or occupants of property within the program area who are subject to penalty in case of default.

(xvii) "Runoff." See Storm water runoff.

(xviii) "Runoff quality objectives" refer to the "performance criteria for runoff management" adopted by the management committee in conformance with applicable provisions of paragraph (5)(e) hereinafter in accordance with the "goals of the program" as outlined under paragraph (1)(d) hereinbefore.

(xix) "Redevelopment" means any construction, alteration, or improvement exceeding one (1) acre in areas where existing land use is high density commercial, industrial, institutional, or multi-family residential.

(xx) "Storm water" means storm water runoff, snow melt runoff, surface runoff and discharge resulting from precipitation.

(xx) "Storm water manager" is the person selected by the management committee, assigned to the Office of the Hamilton County Engineer, and designated to supervise the operation of the program.

(xxii) "Storm water runoff" means flow on the surface of the ground, resulting from precipitation.

(3) Best Management Practices (BMP) Manual. (a) Storm water design or BMP manual. (i) The program will adopt a storm water design and best management practices (BMP) manual (hereafter referred to as the BMP manual), which is incorporated by reference in this ordinance as if fully set out herein.
(ii) This manual will include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each storm water practice. The manual may be updated and expanded from time to time at the discretion of the management committee upon the recommendation of the program staff, based on improvements in engineering, science, and monitoring and local maintenance experience. Storm water facilities that are designed, constructed, and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(4) Land disturbance permits required. (a) Mandatory. A land disturbance permit from the program will be required in the following cases:

(i) Land disturbing activity that disturbs one (1) or more acres of land;
(ii) Land disturbing activity that disturbs less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres of land as determined by the program manager.
(iii) Land disturbing activity that disturbs less than one (1) acre of land if, in the discretion of the program staff, such activity poses a unique threat to the water environment or to public health or safety.

(b) Application requirements. (i) Unless specifically excluded by this ordinance, any landowner or operator desiring a permit for a land disturbance activity shall submit to the program staff a permit application on a form provided by the program.
(ii) A permit application must be accompanied by the following:

(A) A sediment and erosion control plan which addresses the requirements of the BMP manual and
(B) A nonrefundable land disturbance permit fee as described in Appendix A\(^1\) to this ordinance.
(iii) The land disturbance permit application fee shall be established for the program under the provisions of the standard operating procedures.

(c) General requirements. All land disturbing activities undertaken within the program service area shall be conducted in a manner that controls the release of sediments and other pollutants to the

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\(^1\)Appendices to the storm water ordinance can be found behind the Appendix tab of this code.
storm water collection and transportation system in accordance with the requirements of the programs BMP manual.

(d) Review and approval of application. (i) The program staff will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. The program staff shall complete the review of an application within thirty (30) calendar days of its submission. Should an application be rejected, an additional thirty (30) calendar days will be allowed for staff review of each subsequent submission of a revised application. If the program staff fails to act within the time limit established hereinbefore, an application shall be presumed to be approved by default. No development shall commence until the land disturbance permit has been approved by the program staff or until the time limit allowed for review has expired.

(ii) Each land disturbance permit shall be issued for a specific project and shall expire twelve (12) months after its issuance. The applicant is solely responsible for the renewal of a permit if work is to continue after the expiration of the permit. Renewal will require payment of an additional land disturbance permit fee.

(e) Transfer of permit. Land disturbance permits are transferable from the initial applicant to another party. A notice of transfer, on a form acceptable to the program and signed by both parties, shall be filed with the program staff. Such transfer shall not automatically extend the life of the existing permit or in any other way alter the provisions of the existing permit.

(5) Runoff management permits. (a) Mandatory. A runoff management permit will be required in the following cases:

(i) Development, redevelopment, and/or land disturbing activity that disturbs one or more acres of land;

(ii) Development, redevelopment, and/or land disturbing activity that disturbs less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres of land as determined by the program manager.

(b) Runoff management. Site requirements, as fully described in the BMP manual, shall include the following items:

(i) Record drawings;

(ii) Implementation of landscaping and stabilization requirements;

(iii) Inspection of runoff management facilities;

(iv) Maintenance of records of installation and maintenance activities; and
(v) Identification of person responsible for operation of maintenance of runoff management facilities.

c) Application requirements.  (i) Unless specifically excluded by this ordinance, any landowner or operator desiring a runoff management permit for a development, redevelopment, and/or land disturbance activity shall submit a permit application on a form provided by the program.

(ii) A permit application must be accompanied by:
   (A) Storm water management plan which addresses specific items as described in the BMP manual;
   (B) Maintenance agreement for any pollution control facilities included in the plan; and
   (C) Nonrefundable runoff management permit fees as described in Appendix A\(^1\) to this ordinance.

(iii) The application fees for the runoff management permit shall be as established by the program under the provisions of the standard operating procedures.

d) Building permit.  No building permit shall be issued by a participating municipality until a runoff management permit, where the same is required by this ordinance, has been obtained.

e) General performance criteria for runoff management.  Unless a waiver is granted or exempt certification is issued, all sites, including those exempted under paragraph (5)(g) below are required to satisfy the following criteria as specified in the BMP manual (whether permitted or not):

   (i) Through the selection, design, and maintenance of temporary and permanent BMPs, provide pollution control for sources of contaminants and pollutants that could enter storm water.

   (ii) Protect the downstream water environment from degradation including specific channel protection criteria and the control of the peak flow rates of storm water discharge associated with design storms shall be as prescribed in the BMP manual.

   (iii) Implement additional performance criteria or utilize certain storm water management practices to enhance storm water discharges to critical areas with sensitive resources (e.g., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs).

   (iv) Implement specific storm water treatment practices (STP) and pollution prevention practices for storm water

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\(^1\)Appendices to the storm water ordinance can be found behind the Appendix tab of this code.
discharges from land uses or activities with higher-than-typical potential pollutant loadings, known as "hot spots."

(v) Prepare and implement a storm water pollution prevention plan (SWPPP) and file a notice of intent (NOI) under the provisions of the NPDES general permit for certain industrial sites which are required to comply with NPDES requirements. The SWPPP requirement applies to both existing and new industrial sites. The owner or developer shall obtain the general permit and shall submit copies to the storm water manager.

(vi) Prior to or during the site design process, consult with the program staff to determine if a planned development is subject to additional storm water design requirements.

(vii) Use the calculation procedures as found in the BMP manual for determining peak flows to use in sizing all storm water facilities.

(f) Review and approval of application. (i) The program staff will review each application for a runoff management permit to determine its conformance with the provisions of this ordinance. The program staff shall complete the review of an application within thirty (30) calendar days of its submission. Should an application be rejected, an additional thirty (30) calendar days will be allowed for staff review of each subsequent submission of a revised application. If the program staff fails to act within the time limit established hereinbefore, an application shall be presumed to be approved by default.

(ii) No development shall commence until the runoff management permit has been approved by the program staff or until the time limit allowed for review has expired.

(g) Waivers. (i) General. Every applicant shall provide for storm water management; unless a written request to waive this requirement is filed with and approved by the program.

(ii) Downstream damage, etc. prohibited. In order to receive a waiver, the applicant must demonstrate to the satisfaction of the management committee that the waiver will not lead to any of the following conditions downstream:

(A) Deterioration of existing culverts, bridges, dams, and other structures;
(B) Degradation of biological functions or habitat;
(C) Accelerated streambank or streambed erosion or siltation;
(D) Increased threat of flood damage to public health, life, or property.

(iii) Runoff management permit not to be issued where waiver granted. No runoff management permit shall be issued
where a waiver has been granted pursuant to this section. If no waiver is granted, the plans must be resubmitted with a runoff management plan. All waivers must be adopted by a majority of the management committee meeting in open session pursuant to the program’s standard operating procedures. The applicant shall prepare an agreement which shall formalize the applicant’s commitment to implement all actions proposed by the applicant and relied on by the management committee in granting the waiver. Said agreement, once determined to be acceptable to the management committee, shall be executed by an authorized representative of the applicant and the chairman of the management committee. The executed agreement shall form a binding contract between the applicant and the program, and the terms of said contract shall be fully enforceable by the program staff. The program staff’s authority to enforce the terms of the waiver agreement shall be identical to those typically exercised by the staff with regard to the implementation of runoff management plans. No construction activities shall commence at a site covered by a waiver until the waiver agreement is fully executed.

(6) Non-storm water discharge permits. (a) Commercial and industrial facilities. Commercial and industrial facilities located within the program service area may in certain situations be allowed to discharge nonpolluting non-storm water into the storm water collection system. As allowed by Tennessee Department of Environment and Conservation (TDEC) regulations, certain non-storm water discharges may be released without a permit. A listing of such allowed discharges is included in section (9) which follows. Except for these discharges, a permit for all nonpolluting non-storm water discharges shall be required in addition to any permits required by the State of Tennessee for storm water discharges associated with industrial or construction activity.

(b) New facilities. The permit application for a new facility requesting non-storm water discharges shall include the following:

(i) If the facilities are to be covered under the TDEC general NPDES permit for storm water discharges associated with industrial activity, a general NPDES permit for storm water discharges associated with construction activity, or an individual NPDES permit, the owner or developer shall timely obtain such permits or file the NOI and shall submit copies to the program.

(ii) Any application for the issuance of a non-storm water discharge under this article shall include the specific items listed in the program’s BMP manual.

(iii) Each application for a non-storm water discharge permit shall be accompanied by payment of a non-storm water
discharge permit fee as described in Appendix A\(^1\) to this ordinance. Said fee shall be established under the provisions of the standard operating procedures for the program.

(c) Review and approval of application. (i) The program staff will review each application for a non-storm water discharge permit to determine its conformance with the provisions of this ordinance. Within thirty (30) calendar days after receiving an application, the program staff shall provide one of the following responses in writing:

(A) Approval of the permit application;

(B) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issuance of the permit subject to these conditions; or

(C) Denial of the permit application, indicating the reason(s) for the denial.

(d) Permit duration. Every non-storm water discharge permit shall expire within three (3) years of issuance subject to immediate revocation if it is determined that the permittee has violated any of the terms of the permit or if applicable regulations are revised to no longer allow the specific non-storm water discharge covered by the permit.

(7) Program remedies for permittee's failure to perform. (a) Failure to properly install or maintain sediment and erosion control measures.

(i) If a responsible party fails to properly install or maintain sediment and/or erosion control measures as shown on a sediment and erosion control plan used to secure a land disturbance permit under the program, the program staff is authorized to act to correct the deficiency or deficiencies.

(ii) The Program manager is hereby authorized to issue a "Stop Work Order" to the responsible party in any situation where the program manager believes that continued work at a site will result in an increased risk to the public safety or welfare or the downstream water environment. Upon receipt of such a "Stop Work Order," the responsible party shall immediately cease all operations at the site except those specifically directed toward correcting the deficiency or deficiencies in the sediment and/or erosion control measures.

(iii) Where the deficiency or deficiencies described hereinbefore do not, in the opinion of the storm water manager, pose an imminent threat to the public safety or welfare or the

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\(^1\)Appendices to the storm water ordinance can be found behind the Appendix tab of this code.
downstream water environment, the program staff shall notify in writing the responsible party of the deficiency or deficiencies. The responsible party shall then have forty eight (48) hours to correct the deficiency or deficiencies, unless exigent or other unusual circumstances dictate a longer time. In the event that corrective action is not completed within that time, the program staff may take necessary corrective action.

(iv) Where, in the opinion of the storm water manager, the deficiency or deficiencies described hereinbefore do pose an imminent threat to the public safety or welfare or the downstream water environment, the program staff may immediately act to correct the deficiency or deficiencies by performing or having a third party perform all work necessary to restore the proper function of the sediment and erosion control system. The responsible party will be informed, in writing, as to the actions of the program staff as soon as practicable following implementation of the corrective action. The program staff may request assistance from the staff of any community participating in the program to perform the "third party" corrective work described in this paragraph.

(v) The cost of any action to the program incurred under this section shall be charged to the responsible party. In addition, the responsible party’s failure to properly install and/or maintain sediment and erosion control measures in accordance with a land disturbance permit may subject the responsible party to a civil penalty from the program as described in a subsequent section of this ordinance.

(b) Failure to meet or maintain design maintenance standards for runoff management facilities. (i) If a responsible party fails or refuses to meet the design or maintenance standards required for runoff management facilities under this ordinance, the program staff, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

(ii) In the event that the runoff management facility is determined to be improperly operated or maintained, the program staff shall notify in writing the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible party shall have fourteen (14) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the program staff may take necessary corrective action.

(iii) The cost of any action to the program incurred under this section shall be charged to the responsible party. In addition,
the responsible party's failure to meet the design or maintenance standards of an approved runoff management plan may subject the responsible party to a civil penalty from the program as described in a subsequent section of this ordinance.

(8) Existing locations and developments. (a) Requirements for all existing locations and developments. Requirements applying to all locations and developments at which land disturbing activities occurred prior to the enactment of this ordinance are described in the BMP manual.

(b) Inspection of existing facilities. The program may, to the extent authorized by state and federal law, establish inspection programs to verify that all storm water management facilities, including those built both before and after the adoption of this ordinance, are functioning within design limits as established within the program BMP manual. These inspection programs may include but are not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as sources of increased sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with increased discharges of contaminants or pollutants or with discharges of a type more likely than the typical discharge to cause violations of the municipality's NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, ground water, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(c) Requirements for existing problem locations. (i) The program shall provide written notification to the owners of existing locations and developments of specific drainage, erosion, or sediment problems originating from such locations and developments and the specific actions required to correct those problems.

(ii) The notice shall also specify a reasonable time for compliance.

(iii) Should the property owner fail to act within the time established for compliance, the program may act directly to implement the required corrective actions.

(iv) The cost of any action to the program incurred under this section shall be charged to the responsible party. In addition, the responsible party shall be responsible for the proper maintenance and operation of any facility or facilities installed as a part of the corrective action. Failure of the responsible party to properly install, operate, and/or maintain the facility or facilities
installed as part of the corrective action may subject the responsible party to a civil penalty from the program as described in a subsequent section of this ordinance.

(d) Corrections of problems subject to appeal. Corrective measures imposed by the storm water utility under this section are subject to appeal under section (13) of this ordinance.

(9) Illicit discharges. (a) Scope. This section shall apply to all water generated on developed or undeveloped land entering any separate storm sewer system within the program service area.

(b) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water except as permitted under section (6) of this ordinance or allowed as described below. The commencement, conduct, or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(i) Uncontaminated discharges from the following sources:

(A) Water line flushing
(B) Landscape irrigation
(C) Diverted stream flows
(D) Rising ground water
(E) Uncontaminated ground water entering the storm water collection system as infiltration (Infiltration is defined as water, other than wastewater, that enters the storm sewer system from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
(F) Pumped ground water determined by analysis to be uncontaminated
(G) Discharges from potable water sources
(H) Foundation drains
(I) Air conditioning condensate
(J) Irrigation water
(K) Springs
(L) Water from crawl space pumps
(M) Footing drains
(N) Lawn watering
(O) Individual residential car washing
(P) Flows from riparian habitats and wetlands
(Q) Dechlorinated swimming pool discharges
(R) Street washwater.
(ii) Discharges specified in writing by the program as being necessary to protect public health and safety.

(iii) Dye testing, if the program has so specified in writing.

(c) Prohibition of illicit connections.

(i) The construction, use, maintenance, or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.

(ii) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(d) Reduction of storm water pollutants by the use of BMPs. Any person or party responsible for the source of an illicit discharge may be required to implement, at the person's or party's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(e) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information on any known or suspected release which has resulted, or may result, in illicit discharges of non-allowed pollutants into the storm water conveyances of the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event that such a release involves hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the program staff in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the program staff within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(f) Enforcement.

(i) Enforcement authority. The storm water manager or his designees shall have the authority to issue notices of violation and citations and to impose the civil penalties provided in this section.
(ii) Notification of violation. (A) Written notice. Whenever the storm water manager finds that any permittee or any other person discharging non-storm water has violated or is violating this ordinance or a permit or order issued hereunder, the storm water manager may serve upon such person written notice of the violation. A copy of any such notice shall be sent to the management committee member representing the municipality in which the discharger is located and other administrative official as designated by each participating community. Within ten (10) days of this notice, an explanation of the violation and a plan for the correction and prevention thereof, to include specific required actions, shall be prepared by the discharger and submitted to the storm water manager. Submission of this plan and/or acceptance of the plan by the program staff in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(B) Consent orders. The storm water manager is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (D) and (E) below.

(C) Show cause hearing. The storm water manager may order any person who violates this ordinance or permit or order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(D) Compliance order. When the storm water manager finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures
and devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(E) Cease and desist orders. When the storm water manager finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the storm water manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith; or
(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(iii) Civil penalties. (A) Assessment of penalties: In addition to the authority granted to the storm water manager in the preceding paragraphs to address illicit discharge violations, the storm water manager may, in accordance with the provisions of section (12) of this ordinance, impose a civil penalty on the party responsible for an illicit discharge.

(B) Appeals: All penalties assessed under this section may be appealed in accordance with the provisions of section (13) of this ordinance.

(10) Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance, any BMP manual adopted by the program under this ordinance, or any applicable state or federal regulation, the strictest standard shall prevail.

(11) Program fees. (a) Annual program fees. The program shall be financed primarily through an annual fee charged to all residential, commercial, and industrial storm water dischargers located within the program service area.

(i) Initial annual program fees.

(A) Residential properties: A single residential annual fee of nine dollars ($9.00) shall be adopted initially for all households in the program service area. Property used for agricultural or residential purposes and shown with a structure or structures of some positive value on the records of the Hamilton County Assessor of Property shall be charged a residential annual program fee as described
above. Multifamily residential complexes shall be charged one (1) residential annual program fee for each unit in the complex regardless of the actual occupancy of a given unit. Manufactured home parks and developments shall be charged one residential annual program fee for each space in the development regardless of the actual occupancy of a given space.

(B) Commercial and industrial properties: Property used for commercial or industrial purposes within the program service area and shown with a structure or structures of some positive value on the records of the Hamilton County Assessor of Property shall initially be charged an annual fee of one hundred eight dollars ($108.00) per impervious acre of development on the property but not less than the annual residential program fee. Annual storm water fees for commercial and industrial properties shall be rounded to the nearest dollar. Such rounding shall be applied to all annual storm water program fees collected by the county trustee and shall be accomplished by rounding amounts ending in one cent to forty-nine cents ($0.01 to $0.49) down to the nearest dollar and amounts ending in fifty cents to ninety-nine cents ($0.50 to $0.99) up to the nearest dollar. Such rounding only applies to the base storm water fee, and not to any interest or penalty added to delinquent fee.

(C) Governmental, institutional, other tax-exempt properties, and properties exempted by statute or action of the management committee shall not be charged an annual program fee.

(ii) Annual fee revision procedures: The annual program fee shall only be changed through the following multi-step procedure:

(A) During the first quarter of each calendar year, the storm water manager shall perform a review of the program's financial condition, including an estimate of probable income and expenses for the upcoming year. Should the annual review indicate that the program will experience a significant budget imbalance in the coming year, the storm water manager shall present to the management committee a request to revise the annual fee structure to correct the imbalance.

(B) The management committee shall, at the next meeting following the receipt of the storm water manager's recommendation, examine the annual financial review and
the storm water manager's recommendation for the adjustment in the annual fees. If no regular meeting of the management committee is scheduled within thirty (30) calendar days of the issuance of the storm water manager's recommendation, the chair of the committee shall call a special meeting. The management committee shall be free to adjust the proposed revisions, if any, in the amounts of the annual fees to any amounts which are supported by three-fourths (3/4) of the members of the management committee.

(C) Once the management committee adopts an annual fee revision recommendation, the storm water manager shall prepare a draft resolution incorporating the recommendation for action by the Hamilton County Commission. The storm water manager shall submit the draft resolution for consideration at an upcoming meeting of the county commission, as allowed by the rules and procedures of the county commission. The county commission may adopt the recommendation, reject the recommendation, or adopt a different annual fee revision based on their own assessment of the program's financial situation, subject to the limitations described in the interlocal agreement establishing the program. The action of the county commission shall be final.

(iii) Annual fee incorporation in municipal storm water fee: Nothing contained herein shall prohibit or restrict any participating municipality from enacting and collecting an annual storm water fee within its own jurisdictional boundaries which is higher than the program's annual fee. The program's annual fee shall be incorporated in the municipality's annual fee. The municipality may collect and utilize the excess funds derived from a higher annual storm water fee to address storm water issues within its boundaries as the municipality judges to be in its own best interest.

(iv) Collection of delinquent annual fee payments: When any owner of any property subject to the annual program fee, fails to pay the annual program fee on or before the date when such program fee is required to be paid, interest and penalty shall be added to the amount of the program fee due, at the same rate and in the same amount as that set by state law for delinquent property tax. (See Tennessee Code Annotated, § 67-1-801). Should the owner or any property subject to the annual program fee fail to remit payment for said fee within the time period adopted by the management committee for such payments, the program is
authorized to take any and all actions which the management committee deems appropriate to try to collect the delinquent fee.

(b) **Special program fees.** The program shall be allowed to charge special program fees to individuals and organizations for specific activities which require input from the program staff. Because of the service-related nature of the special program fees, they shall be applicable to all storm water dischargers located within the program service area, including dischargers who may be exempt from the annual program fee. Special program fees shall comply with the following provisions:

(i) **Types:** Special program fees may be charged for the following types of services:

(A) **Development plans review:** Any person or organization with planned construction that will disturb one (1) acre or more shall submit development plans to the program staff which describe in detail the planned construction's conformance with the program requirements for storm water pollution control at the site of the development. "Disturb" as used in this section shall identify any activity which covers, removes, or otherwise reduces the area of existing vegetation at a site, even on a temporary basis.

(B) **Erosion control plans review:** Any person or organization with planned construction that will disturb one (1) acre or more shall submit erosion control plans to the program staff which describe in detail the planned construction's conformance with program requirements for erosion control at construction sites. It is understood that the erosion control plans review fee shall include on-site inspections by qualified member(s) of the program staff of the installed erosion control measures as defined by the approved erosion control plans.

(C) **Erosion control non-compliance re-inspection:** Should any on-site inspection of installed erosion control measures reveal that the measures have been improperly installed, prematurely removed, damaged, or have otherwise failed and that such deficiency does not pose an imminent threat to the public safety or welfare or the downstream water environment, the program shall inform the responsible party of the deficiency, the responsible party's obligation to bring the installation into compliance with the approved plan, and the assessment of a re-inspection fee. The re-inspection fee shall reimburse the program for the costs associated with an inspector's
returning to a specific site out of the normal inspection sequence.

(D) Non-storm water discharge permit review: Commercial and industrial facilities located within the program service area may be allowed to discharge non-polluting wastewater into the storm water collection system. All such discharges, unless covered by a permit issued directly by TDEC or successor agency, must be covered by a discharge permit issued by the program staff and renewed annually. Fees charged by the program for such non-storm water discharge permits will include the costs of the periodic sampling and testing of the discharge, determination of the amount of the discharge, and any costs associated with reviewing and issuing the permit and maintaining necessary records pertaining to the permit.

(E) Residential development retention/detention basin lifetime operation and maintenance fee. The ownership of the property containing a dry detention basin constructed as a part of an approved runoff management plan for a residential development composed of multiple, individually owned lots shall be permanently transferred to Hamilton County, Tennessee, in accordance with the property transfer procedures of the county. In addition, the developer of the residential development shall pay a lifetime operation and maintenance fee to the program for each retention/detention basin. All such fees received by the program shall be deposited in an investment account and the earnings of the account shall be used to pay for the maintenance, repair, and operation of the retention/detention basins transferred to the ownership of the county.

(F) Other: The management committee may from time to time identify other specific activities which warrant a special program fee. No such fee shall be enacted unless it is endorsed by the county mayor and approved by the county commission. Procedures for establishing a special program fee other than those identified above shall generally comply with the procedures for making revisions to the annual program fee as described in the preceding section.
(ii) Initial special program fees: The initial amounts of the various special program fees shall be as noted in Appendix A\(^1\) to this ordinance.

(iii) Special program fee revision procedures: Special program fees shall be changed only through the following multi-step procedure:

(A) The storm water manager shall review the special program fees during the annual program financial review required under the "annual fee revision procedures" described in a previous section. The storm water manager shall determine the financial viability of each special program fee and present to the management committee requests for revision of those fees, if any, which the storm water manager believes should be adjusted.

(B) Once the storm water manager has submitted his or her recommendations, revisions of the special program fees shall comply with the procedures for management committee review and county commission action identified under the "annual fee revision procedures" described hereinbefore.

(12) Penalties. (a) Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action required by the program, shall be guilty of a civil offense.

(b) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the program declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the program 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. Applicable penalties for some specific violations are outlined in the enforcement protocol described in Appendix B\(^2\) of this ordinance.

(c) Measuring civil penalties. In assessing a civil penalty, the storm water manager may consider:

(i) The harm done to the public health or the environment;

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\(^1\)Appendices to the storm water ordinance can be found behind the Appendix tab of this code.

\(^2\)Appendices to the storm water ordinance can be found behind the Appendix tab of this code.
(ii) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
(iii) The economic benefit gained by the violator; 
(iv) The amount of effort put forth by the violator to remedy this violation; 
(v) Any unusual or extraordinary remedial or enforcement costs incurred by the program or any participating municipality; 
(vi) The amount of penalty established by ordinance or resolution for specific categories of violations; and 
(vii) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
(d) Recovery of damages and costs. In addition to the civil penalties in subsection (b) above, the program may recover:
(i) All damages proximately caused by the violator, which may include and reasonable expenses incurred in investigating violations of and enforcing compliance with this ordinance, or any other actual damages caused by this violation.
(ii) The costs of maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this ordinance.
(e) Other remedies. The program or any participating municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
(f) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.
(13) Appeals. All actions of the program staff, except for possible criminal violations which the staff has reported to the appropriate enforcement agency, shall be subject to an appeals process under the initial jurisdiction of the management committee. Appealable staff actions specifically include the assessment of civil penalties. Following receipt of a written "notice of appeal" from an appellant, the appeals process shall function as follows:
(a) Administrative review. An administrative review of all appeals and/or requests for review shall initially be conducted by the storm water manager. The storm water manager shall review the record of the situation and, if the storm water manager is not satisfied that both of the following conditions have been met, the storm water manager shall notify the appellant of the finding and grant the relief or a portion of the relief, as determined by the storm water manager, sought by the appellant:
(i) The matter under dispute has been handled correctly by the program staff under the applicable rules and procedures of the program.

(ii) The matter under dispute has been handled fairly by the program staff and the appellant has not, in any way, been treated differently than other dischargers with similar circumstances.

If the storm water manager determines that both items (i) and (ii) immediately above have been satisfied, the storm water manager shall notify the appellant in writing that no relief can be granted at the program staff level and that the appellant is free to pursue the appeal with the management committee. Such notification shall include instructions as to the proper procedure for bringing the matter before the committee. Notification shall be made by hand-delivery; verifiable facsimile transmission; or certified mail, return receipt requested. A copy of the notification shall be provided to the management committee member representing the municipality in which the discharger is located and other administrative official as designated by each participating community. The storm water manager shall complete the review and issue an opinion within twenty (20) calendar days of the receipt of the appeal.

(b) Committee hearing. Appeals rejected by the storm water manager, in accordance with the procedure outlined immediately above, may be brought before the management committee. Within thirty (30) calendar days of receipt of a notification of an appeal, the committee shall determine if the appeal is to be heard by the committee as a whole, if the matter is to be referred to a standing subcommittee, or if a new subcommittee is to be appointed specifically to hear the appeal. If a special committee is appointed, the officer presiding at the meeting of the management committee at which the special subcommittee is appointed shall name a chair and vice chair for said subcommittee. Once the appropriate forum for the appeal is decided, a date and time for hearing the appeal shall be set. Such date and time shall be within fifteen (15) calendar days following the date of the management committee's initial considerations regarding the appeal.

(c) Hearing procedures. Appeal hearings shall be conducted in a formal and orderly manner. However, the hearing is not a "court of law" and the rules of evidence, testimony, and procedures for such courts shall not apply. The storm water manager or his designee shall first brief the committee or subcommittee on the history of the situation, including the actions of the program staff leading up to the appeal. The appellant shall then present his or her arguments as to why the relief sought should be granted. The storm water manager or his designee shall then have the opportunity to rebut or refute the appellant's arguments. The
committee or subcommittee shall then conduct deliberations concerning the appeal in an open session. During such deliberations, the members may ask questions of and/or seek additional input from the appellant or the program staff to clarify the situation. At the close of these deliberations the committee or subcommittee shall vote to accept or reject the appeal or to adopt a modified position regarding the matter in question. The outcome of this vote shall be considered the final action of the program with regard to the appeal. The chair of the committee or subcommittee hearing the appeal shall prepare a written order reflecting the committee's or subcommittee's determination regarding the appeal. A tape recording, minutes, or other record of the hearing shall be made and maintained by the program staff.

(d) Appealing decisions of the management committee. Any appellant dissatisfied with the decision of the management committee, as described in the preceding paragraph, may appeal the management committee's decision by filing an appropriate request for judicial review to the Chancery Court of Hamilton County.

(14) Implementation schedule. (a) Discharge permit. The program is authorized under National Pollutant Discharge Elimination System (NPDES) Permit No. TNS075566 issued by the Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control, which expires February 26, 2008. It is anticipated that subsequent permits will be issued to the program under the same permitting authority. All applicable provisions of the current or any subsequent permit shall be enforceable by the program as if fully spelled out herein. Implementation of certain aspects of the program shall comply with the specific schedule included in the permit.

(b) Implementation schedule

<table>
<thead>
<tr>
<th>Description</th>
<th>Effective Date</th>
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<tbody>
<tr>
<td>Prohibition of Illicit Discharges (Ordinance Section (9))</td>
<td>January 1, 2006</td>
</tr>
<tr>
<td>Prohibition of the Release of Sediments and Erosion Products from a Land Disturbance Site (Ordinance Section (4), Paragraph (c))</td>
<td>January 1, 2006</td>
</tr>
<tr>
<td>Implementation of the Land Disturbance Permit Program (Ordinance Section (4))</td>
<td>January 1, 2008</td>
</tr>
</tbody>
</table>
(15) Overlapping jurisdiction. The State of Tennessee, working through the Tennessee Department of Environment and Conservation (TDEC), is or may be required by federal regulations to address storm water pollution issues in ways which appear to overlap the goals and requirements of the program described by this ordinance. Where such overlaps occur and where TDEC's regulations and determinations are more restrictive, the TDEC regulations and determinations shall control.

A requirement to comply with TDEC regulations and determinations shall not, in any way, relieve any party from complying with the provisions of this ordinance. (1990 Code, § 8-601)
TITLE 19

ELECTRICITY AND GAS

CHAPTER
1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY¹

SECTION
19-101. To be furnished by Electric Power Board of Chattanooga.

19-101. To be furnished by Electric Power Board of Chattanooga. Electricity shall be furnished for the city and its inhabitants by the Electric Power Board of Chattanooga. (1990 Code, § 13-201)

¹Municipal code reference
Electrical code: title 12.
CHAPTER 2

GAS

SECTION
19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be furnished for the city and its inhabitants under such franchise as the board of commissioners shall grant. The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1990 Code, § 13-301)
TITLE 20

MISCELLANEOUS

CHAPTER 1. AIR POLLUTİON CONTROL.

CHAPTER 1

AIR POLLUTION CONTROL

SECTION

20-101. Adoption of the air pollution control code for Chattanooga-Hamilton County. There is hereby adopted by reference by the City of Soddy-Daisy, Tennessee, for the purpose of establishing basic rules, provisions, and regulations governing air pollution and air contaminations, the Air Pollution Control Code for Chattanooga-Hamilton County, as amended. (1990 Code, § 8-101)

20-102. Enforcement. This chapter shall be enforced by Chattanooga-Hamilton County personnel according to the provisions of the Air Pollution Control Code for Chattanooga-Hamilton County adopted by reference above. (1990 Code, § 8-102)

20-103. Violations and penalties. Violations of this chapter shall be punished according to the general penalty provisions set out in this municipal code of ordinances. (1990 Code, § 8-103)
APPENDIX

A. PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE EMPLOYEES OF CITY OF SODDY-DAISY.

APPENDIX A

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE EMPLOYEES OF CITY OF SODDY-DAISY³

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I. Purpose and coverage. The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of City of Soddy-Daisy.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

³This program plan is provided by Ord. #2002-2003-17, June 2003.
The City of Soddy-Daisy in electing to update and maintain an effective occupational safety and health program for its employees:

a. Provide a safe and healthful place and condition of employment.

b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.

c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.

e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the state.

f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.

g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program.

h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. Definitions. For the purposes of this program, the following definitions apply:
a. "Commissioner of Labor and Workforce Development" means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.

b. "Employer" means the City of Soddy-Daisy and includes each administrative department, board, commission, division, or other agency of the City of Soddy-Daisy.

c. "Director of occupational safety and health" or "director" means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of City of Soddy-Daisy.

d. "Inspector(s)" means the individual(s) appointed or designated by the director of occupational safety and health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the director of occupational safety and health.

e. "Appointing authority" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.

f. "Employee" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

g. "Person" means one or more individual, partnership, association, corporation, business trust, or legal representative of any organized group of persons.

h. "Standard" means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

i. "Imminent danger" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm
immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

j. "Establishment" or "worksite" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.

k. "Serious injury" or "harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:
   1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
   2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

l. "Act" or "TOSHAAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.

m. "Governing body" means the County Quarterly Court, board of aldermen, board of commissioners, city or town council, board of governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.

n. "Chief executive officer" means the chief administrative official, county judge, county chairman, mayor, city manager, general manager, etc., as may be applicable.

III. Employer's rights and duties. Rights and duties of the employer shall include, but are not limited to, the following provisions:

a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

c. Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist
the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under section 6 of the Tennessee Occupational Safety and Health Act of 1972.

e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.

f. Employer is entitled to protection of its legally privileged communication.

g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.

h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.

i. Employer shall notify all employees of their rights and duties under this program.

IV. Employee's rights and duties. Rights and duties of employees shall include, but are not limited to, the following provisions:

a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.

c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.

d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.

e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels
in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed or corrective action being taken.

f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the director or inspector at the time of the physical inspection of the worksite.

g. Any employee may bring to the attention of the director any violation or suspected violations of the standards or any other health or safety hazards.

h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.

i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical examination may be reasonably required for performance of a specific job.

k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the director within twenty-four (24) hours after the occurrence.

V. Administration. a. The director of occupational safety and health is designated to perform duties or to exercise powers assigned so as to administer this occupational safety and health program.

1. The director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.

2. The director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the director.
3. The director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.

4. The director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.

5. The director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of section 1 of this plan.

6. The director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.

7. The director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.

8. The director shall maintain or cause to be maintained records required under section VIII of this plan.

9. The director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.

b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.

1. The administrative or operational head shall follow the directions of the director on all issues involving occupational safety and health of employees as set forth in this plan.

2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the director within the abatement period.

3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the director along with his findings and/or recommendations in accordance with Appendix V of this plan.

VI. Standards authorized. The standards adopted under this program are the applicable standards developed and promulgated under section VI(6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

VII. Variance procedure. The director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

a. The application for a variance shall be prepared in writing and shall contain:
   1. A specification of the standard or portion thereof from which the variance is sought.
   2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
   3. A statement of the steps the employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
   4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
   5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to
petition the Commissioner of Labor and Workforce Development for a hearing.

b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.

c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:

1. The employer:
   i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary for construction or alteration of facilities or technology.
   ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
   iii. Has an effective program for coming into compliance with the standard as quickly as possible.
2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.

d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

e. Upon receipt of an application for an order granting a variance, the commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. Recordkeeping and reporting. a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, Recordkeeping Requirements Under the Occupational Safety and Health Act of 1970, (revised 2003) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.

b. The position responsible for recordkeeping is shown on the Safety and Health Organizational Chart, Appendix V to this plan.
Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by Accident Reporting Procedures, Appendix V to this plan.

**IX. Employee complaint procedure.** If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the director of occupational safety and health.

a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of section 1 of this plan).

b. Upon receipt of the complaint letter, the director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the chief executive officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

d. The chief executive officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.

e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related
correspondence with the director and the chief executive officer or
the representative of the governing body.

f. Copies of all complaint and answers thereto will be filed by the
director who shall make them available to the Commissioner of
Labor and Workforce Development or his designated
representative upon request.

X. Education and training.  a. Director and/or compliance
inspector(s).

1. Arrangements will be made for the director and/or
compliance inspector(s) to attend training seminars,
workshops, etc., conducted by the State of Tennessee or
other agencies.

2. Reference materials, manuals, equipment, etc., deemed
necessary for use in conducting compliance inspections,
conducting local training, wiring technical reports, and
informing officials, supervisors, and employees of the
existence of safety and health hazards will be furnished.

b. All employees (including managers and supervisory personnel).

A suitable safety and health training program for employees will
be established. This program will, at a minimum:

1. Instruct each employee in the recognition and avoidance of
hazards or unsafe conditions and of standards and
regulations applicable to the employees work environment
to control or eliminate any hazards, unsafe conditions, or
other exposures to occupational illness or injury (such as
falls, electrocution, crushing injuries (e.g., trench cave-ins),
and being struck by material or equipment).

2. Instruct employees who are required to handle poisons,
acids, caustics, explosives, and other harmful or dangerous
substances (including carbon monoxide and chlorine) in the
safe handling and use of such items and make them aware
of the potential hazards, proper handling procedures,
personal protective measures, personal hygiene, etc., which
may be required.

3. Instruct employees who may be exposed to environments
where harmful plants or animals are present of the hazards
of the environment, how to best avoid injury or exposure,
and the first aid procedures to be followed in the event of
injury or exposure.

4. Instruct employees required to handle or use flammable
liquids, gases, or toxic materials in their safe handling and
use and make employees aware of specific requirements
contained in subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).

5. Instruct employees on hazards and dangers of confined or enclosed spaces.
   i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
   ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
   iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. General inspection procedures. It is the intention of the governing body and the responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desire results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

a. In order to carry out the purposes of this program, the director and/or compliance inspector(s), if appointed, is authorized:
   1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the director or inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the director or inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

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

e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.

f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.

g. Advance notice of inspections.
   1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.
   2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees of their authorized representative(s) will also be given notice of the inspection.

h. The director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors of other personnel provided:
   1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the director.
   2. Records are made of the inspections and of any discrepancies found and are forwarded to the director.
i. The director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. Imminent danger procedures.

a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

1. The director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.

2. If the alleged imminent danger situation is determined to have merit by the director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

3. As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the director or compliance inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.

4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the director or compliance inspector and to the mutual satisfaction of all parties involved.

5. The imminent danger shall be deemed abated if:

   i. The imminence of the danger has been eliminated by removal of employees from the area of danger.

   ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

6. A written report shall be made by or to the director describing in detail the imminent danger and its abatement. This report will be maintained by the director in accordance with subsection (i) of section XI of this plan.
b. **Refusal to abate.**
   1. Any refusal to abate an imminent danger situation shall be reported to the director and/or chief executive officer immediately.
   2. The director and/or chief executive officer shall take whatever action may be necessary to achieve abatement.

**XIII. Abatement orders and hearings.**

a. Whenever, as a result of an inspection or investigation, the director or compliance inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the director shall:
   1. Issue an abatement order to the head of the worksite.
   2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

b. Abatement orders shall contain the following information:
   1. The standard, rule, or regulation which was found to violated.
   2. A description of the nature and location of the violation.
   3. A description of what is required to abate or correct the violation.
   4. A reasonable period of time during which the violation must be abated or corrected.

c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

**XIV. Penalties.**

a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.

b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the
duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
1. Oral reprimand.
2. Written reprimand.
3. Suspension for three (3) or more working days.
4. Termination of employment.

XV. **Confidentiality of privileged information.** All information obtained by or reported to the director pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. **Compliance with other laws not excused.**

a. Compliance with any other law, statute, ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.

b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed.
ORGANIZATIONAL CHART

{For this section make a list of each work location wherein city employees work, such as City Hall, Water Plant, Police Department, City Garage, etc.), the address for the workplace, phone number at that workplace, and number of employees who work there.}

Example:

City Garage - 12 employees
1234 Main Street
Chattanooga, TN 37415
423-345-6789

Police Department - 25 employees
4567 Garden Avenue
Chattanooga, TN 37415
423-222-5555

TOTAL NUMBER OF EMPLOYEES: 37

{Once each work location has been listed, record the total number of employees that the city employs.}

City Hall - 7 employees
9835 Dayton Pike
Soddy-Daisy, TN 37379
423-332-5323

Custodian - 1 employee
Same address as City Hall

Public Works - 10 employees
2 part-time (seasonal)
Same address as City Hall

Police Department - 25 employees
3 part-time
9835 Dayton Pike
Soddy-Daisy, TN 37379
423-332-3577
NOTICE TO ALL EMPLOYEES OF CITY OF SODDY-DAISY

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as state standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

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

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

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

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the director or department head.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

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

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.
Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the director for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the employees of City of Soddy-Daisy is available for inspection by any employee at city hall during regular office hours.

s/Janice Cagle  7/2/03
Signature: Official  Date
OCCUPATIONAL SAFETY AND HEALTH PLAN

APPENDIX IV

PROGRAM BUDGET

1. Prorated portion of wages, salaries, etc., for program administration and support.
2. Office space and office supplies.
3. Safety and health educational materials and support for education and training.
4. Safety devices for personnel safety and health.
5. Equipment modifications.
7. Protective clothing and equipment (personnel).
8. Safety and health instruments.
9. Funding for projects to correct hazardous conditions.
10. Reserve fund for the program.
11. Contingencies and miscellaneous.

TOTAL ESTIMATED PROGRAM FUNDING:

ESTIMATE OF TOTAL BUDGET FOR:
OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

ACCIDENT REPORTING PROCEDURES

Note: All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported by phone to the Commissioner of Labor and Workforce Development within eight (8) hours.

There are six important steps required by the OSHA recordkeeping system:

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid).
2. Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on worker's compensation reports giving the same information.
4. Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.
5. Retain these records for at least 5 years.
6. Complete the Survey of Occupational Injuries/Illness and mail it to Labor Research and Statistics, when requested.

The four (4) procedures listed below are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

(1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.

(16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours
after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

(51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with assistance of the Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

(51-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head is to be notified of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).
Since a Workers' Compensation Form C20 or OSHA NO. 301 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

**NOTE:** A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under **PROGRAM PLAN** in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the **one** procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation.
AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
ADOPTING AND ENACTING A CODIFICATION AND REVISION
OF THE ORDINANCES OF THE CITY.

WHEREAS, some of the ordinances of the City of Soddy-Daisy 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 Commissioners of the City 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 “Soddy-Daisy
Municipal Code.”

NOW, THEREFORE BE IT ORDAINED by the City of Soddy-Daisy, as follows:

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

Section 2. Ordinances repealed. All ordinances of a general, continuing, and
permanent application or of a penal nature not contained in the municipal code are hereby
repealed from and after the effective date of said code, except as hereinafter provided in
Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2
of this ordinance shall not affect: Any offense or act committed or done, or any penalty or
forfeiture incurred, or any contract or right established or accruing before the effective date
of the Municipal Code; any ordinance or resolution promising or requiring the payment of
money by or to the city or authorizing the issuance of any bonds or other evidence of said
city’s indebtedness; any appropriation ordinance or ordinance providing for the levy of
taxes or any budget ordinance; any contract or obligation assumed by or in favor of said
city; any ordinance establishing a social security system or providing coverage under that
system; any administrative ordinances or resolutions not in conflict or inconsistent with
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 judgement 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 fifty dollars ($50.00) and costs for
each separate violation; provided, however, that the imposition of a civil penalty under the
provisions of this municipal code shall not prevent the revocation of any permit or license
or the taking of other punitive or remedial action where called for or permitted under the
provisions of the municipal code or other applicable law. In any place in the municipal
code the term “it shall be a misdemeanor” or “it shall be an offense” or “it shall be
unlawful” or similar terms appears in the context of a penalty provision of this municipal code, it shall mean “it shall be a civil offense.” Anytime the word “fine” or similar term appears in the context of a penalty provision of this municipal code, it shall mean “a civil penalty.” Each day any violation of the municipal code continues shall constitute a separate civil offense. (State law reference - For authority to allow deferred payment of fines, or payment by installments, see TCA § 40-24-101 et seq.)

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The Board of Commissioners, 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 no sooner than fifteen (15) days after first passage thereof, provided that it is read two (2) different days in open session before its adoption, and not less than one week elapses between first and second readings, the welfare of the city requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

MAYOR B. D. PRIVETT

RECORER SARA BURRIS

PASSED ON FIRST READING  February 21, 2008
PASSED ON SECOND READING  March 6, 2008

CITY ATTORNEY SAM ELLIOTT