THE

WHITE HOUSE

MUNICIPAL

CODE

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

January 1996

Change 21
April 17, 2025

CITY OF WHITE HOUSE, TENNESSEE

MAYOR

John Corbitt

ALDERMEN

Sam Matthews
Jeremy Sisk
Jana Spicer
Michael Wall

CITY ADMINISTRATOR

Gerald Herman

RECORDER

Derek Watson

PREFACE

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

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

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

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

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

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

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

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

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if

justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

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

Steve Lobertini
Codification Specialist

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

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

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

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TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. DELETED.
5. CITY ATTORNEY.
6. CITY ADMINISTRATOR.
7. TREASURER.

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[1]Charter references

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

Municipal code references

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

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN[1]

SECTION

1-101. Elections for, when to take office.
1-102. Description of wards.
1-103. Time and place of regular meetings.
1-104. Order of business.
1-105. General rules of order.
1-106. Compensation of aldermen.
1-107. Nepotism.
1-108. Public comment.

1-101. Elections for, when to take office. (1) The general election of officers of the City of White House, Robertson and Sumner Counties, Tennessee, shall be held on the first Tuesday after the first Monday in November in every even numbered year, with the first such election being held on November 5, 2002.

(2) All terms of members of the board of mayor and aldermen elected or re-elected shall commence their term of office and be sworn in at the regular meeting of the board of mayor and aldermen in January of the calendar year following the year in which said official is elected or re-elected. (1979 Code, § 1-101, as amended by Ord. #95-05, May 1995; replaced by Ord. #98-03, Feb. 1998, and amended by Ord. #16-22, Dec. 2016)

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[1]Charter references

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

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

1-102. Description of wards. The City of White House shall consist of four (4) wards, each composed of one (1) alderman, described as follows:

Ward one (I) shall consist mainly of a portion of the city situated in Robertson County as reflected on the official 2020 census tract map.

Ward two (II) shall consist mainly of a portion of the city situated in Sumner County as reflected on the official 2020 census tract map.

Ward three (III) shall consist of a portion of the city situated in Sumner County as reflected on the official 2020 census tract map.

Ward four (IV) shall consist of a portion of the city situated in Robertson County and Sumner County as reflected on the official 2020 census tract map.

An official copy of the wards geographical area contained on the 2020 census tract maps shall be maintained on file in the recorder's office. (1979 Code, § 1-102, as amended by Ord. #01-21, Dec. 2001, and Ord. #21-24, Nov. 2021 ***Ch19_01-20-22***)

1-103. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. Central Standard and Daylight Time on the third Thursday of each month at the city hall. (1979 Code, § 1-103)

1-104. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

(1) Call to order by the mayor.
(2) Prayer.
(3) Pledge of Allegiance.
(4) Roll Call by the recorder
(5) Adoption of agenda
(6) Approval of minutes of the previous meeting(s).
(7) Welcome visitors.
(8) Proclamations.
(9) Public comment.
(10) Public hearings or delegations.
(11) Communications from the mayor, aldermen, city attorney, and city administrator.
(12) Acknowledge reports and/or appointments made by the mayor.
(13) Consideration of Resolutions
(14) Consideration of Ordinances
(15) Purchasing
(16) Other business
(17) Discussion items
(18) Other information
(19) Adjournment. (1979 Code, § 1-104, as amended by Ord. #20-23, Oct. 2020 ***Ch19_01-20-22***, and Ord. #23-01, Feb. 2023 ***Ch20_08-17-23***)

1-105. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1979 Code, § 1-105, modified)

1-106. Compensation of aldermen. Aldermen shall receive a monthly compensation which is set annually in the adopted fiscal budget. In addition, aldermen shall be entitled to receive the same insurance benefits as a regular employee of the city. (as amended by Ord. #96-13, July 1996)

1-107. Nepotism. An immediate family member of a city employee shall not be hired or employed by the city in the same department as the current city employee. If an immediate family relationship is established between two (2) current city employees in the same department, such as two (2) current employees marrying, one (1) of the employees shall be required to resign if the city determines, in its sole discretion, that a transfer is not feasible. Employees are required to disclose immediate family relationships covered by this policy whenever they come into existence. For purposes of this policy, "immediate family" includes spouse, children, parents, parents-in-law, children-in-law, brothers, sisters, brothers-in-law, and sisters-in-law.

An immediate family member of the city administrator, director of human resources, or any publicly-elected official of the city government shall not be hired or employed by the city. Notwithstanding the foregoing, a current employee of the city shall not be subject to automatic discharge because the employee's immediate family member is publicly-elected to a city government position or hired as the city administrator or director of human resources. In such situations, the city reserves the right to determine the appropriate course of action on a case-by-case basis to prevent any potential conflict of interest. (1979 Code, § 1-107, as amended by Ord. #96-13, July 1996, and replaced by Ord. #18-21, July 2018 ***Ch18_12-19-19***)

1-108. Public comment. (1) The board of mayor and aldermen shall at their regular monthly meeting allow time to hear from the public on their views of the city government and its activities.

(2) Citizens wishing to speak at the meeting must sign in prior to the commencement of the meeting, stating their name, address, and subject to which they would like to speak.

(3) Every citizen of the city shall be entitled to speak for (3) three minutes concerning any item in city government. After citizen speaks or time runs out, citizen shall step away from the podium to allow for the next speaker. Board member may or may not respond to a speaker for further clarification. Citizens are not allowed to debate board members.

(4) All public meetings shall be orderly and conducted with proper decorum. (as added by Ord. #03-04, April 2003, as amended by Ord. #20-23, Oct. 2020 ***Ch19_01-20-22***, and Ord. #23-01, Feb. 2023 ***Ch20_08-17-23***)

CHAPTER 2

MAYOR[1]

SECTION

1-201. Chief executive of city's affairs.
1-202. Executes city's contracts.
1-203. Compensation.
1-204. Benefits.

1-201. Chief executive of city's affairs. The mayor is the chief executive officer of the city, and as such shall have all the duties as set forth in Tennessee Code Annotated, § 6-3-106. (1979 Code, § 1-201, as amended by Ord. #02-36, Dec. 2002)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1979 Code, § 1-202)

1-203. Compensation. The mayor shall receive a yearly compensation as set in the annual operating budget. The yearly compensation shall be paid in accordance with the city's pay period. The mayor's compensation may not be diminished during the mayor's term of office. (1979 Code, § 1-203)

1-204. Benefits. The mayor shall be entitled to receive the same insurance benefits as a regular employee of the city. (1979 Code, § 1-204, as amended by Ord. #02-36, Dec. 2002)

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[1]Charter references

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

Vacancies in office: § 6-3-107.
Vice-mayor: § 6-3-107.

CHAPTER 3

RECORDER[1]

SECTION

1-301. Appointment.
1-302. [Reserved.]
1-303. To keep minutes, etc.
1-304. Duties.

1-301. Appointment. The recorder shall be appointed by the board of mayor and aldermen, and shall serve at the pleasure of the board. (1979 Code, § 1-301)

1-302. [Reserved.] (1979 Code, § 1-302, modified, as amended by Ord. #06-48, Jan. 2007, and deleted by Ord. #09-04, May 2009)

1-303. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1979 Code, § 1-303)

1-304. Duties. The city recorder shall be responsible for the keeping of all official records of the City of White House as required by the White House Municipal Code and by the statute of the State of Tennessee. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the city which are not expressly assigned by the charter, this code, or the board to another corporate officer. She shall also have custody of, and be responsible for maintaining all corporate bonds. records, and papers in such fireproof vault or safe as the city shall provide. (1979 Code, § 1-304, as amended by Ord. #04-15, Sept. 2004)

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

Ord. #94-15, § 1 provides: "The City of White House adopts by reference the requirements of Pub. Acts 1994, ch. 648, which is attached to this ordinance and made a part thereof as if it were fully set out in the text of this ordinance." See Ord. #94-15 in the office of the recorder for these provisions.

CHAPTER 4

DELETED

(this chapter was deleted by Ord. #21-22, Oct. 2021 ***Ch19_01-20-22***)

CHAPTER 5

CITY ATTORNEY

SECTION

1-501. Office created.
1-502. Duties.
1-503. Responsibilities to his successor.
1-504. Election and term.

1-501. Office created. There is hereby created the office of city attorney for the City of White House, Tennessee. (1979 Code, § 1-1001)

1-502. Duties. The duties of the city attorney shall consist of the following: advise the board of mayor and aldermen or its committees or any city officer, when requested, upon all legal questions arising in the conduct of city business; prepare or revise ordinances when so requested by the mayor or aldermen; give his opinion upon any legal matter or question submitted to him by the mayor or aldermen or by any city officer; attend all meetings of the board of mayor and aldermen for the purpose of giving the board of mayor and aldermen any legal advice requested by its members; and prepare for execution all contracts and instruments to which the city is a party and shall approve, as to form, all bonds required to be submitted to the city.

The city attorney shall have the following additional duties: prepare, when authorized by the board of mayor and aldermen, all charges and complaints against and shall appear in the appropriate court in the prosecution of, every person charged with the violation of a city ordinance, and prepare all other appropriate pleadings in the proper courts to either prosecute in behalf of or defend the city, when requested to do so by the board of mayor and aldermen. In addition to the foregoing duties, the city attorney shall immediately report the outcome of any litigation in which the city has an interest to the mayor, make a semi-annual report to the board of mayor and aldermen of all pending litigation in which the city has an interest and the condition thereof, keep a complete record of all suits in which the city had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case or its condition if pending, keep a complete record of all written opinions furnished by him and of all certificates or abstracts of titles furnished by him to the city, or any department or official thereof. (1979 Code, § 1-1002)

1-503. Responsibilities to his successor. The city attorney shall deliver all records, documents, and property of every description in his possession, belonging to his office or to the city, to his successor in office, who shall give him duplicate receipts therefor. (1979 Code, § 1-1003)

1-504. <u>Election and term</u>. The city attorney shall be elected by the board of mayor and aldermen and shall serve at the pleasure of the board of mayor and aldermen. (1979 Code, § 1-1004)

CHAPTER 6

CITY ADMINISTRATOR

SECTION

1-601. Chief administrative officer.
1-602. Qualifications.
1-603. Appointment.
1-604. Compensation.
1-605. Benefits.
1-606. Performance evaluation.
1-607. Termination.
1-608. Personnel rules.
1-609. Request for services

1-601. Chief administrative officer. The city administrator is the chief administrative officer of the city, and as such shall have all the duties as set forth in Tennessee Code Annotated § 6-4-101. In addition, the city administrator shall have the duties as set forth in Tennessee Code Annotated § 6-3-106(7)(2), (3) and (4).

During the period from the initial employment of the city administrator through December 31, 2002, the administrator shall receive advice and consent from the mayor in all matters contained in Tennessee Code Annotated § 6-3-106(7)(2)(A) and (4). This paragraph shall terminate following the above date and shall thereafter be of no effect. (as added by Ord. #01-04, April 2001)

1-602. Qualifications. The city administrator shall be qualified by training and experience by possessing as a minimum a master's degree from an accredited institution of higher education, and a minimum of five (5) years experience as a city administrator/manager, assistant city administrator/manager, or as a department head. (as added by Ord. #01-04, April 2001, and amended by Ord. #02-13, May 2002, and Ord. #14-13, July 2014)

1-603. Appointment. The city administrator shall be appointed by a majority vote of the fully constituted board of mayor and aldermen, and shall serve at the pleasure of the board under a contractual agreement. The administrator shall devote his/her full-time to the position. (as added by Ord. #01-04, April 2001, and amended by Ord. #02-13, May 2002)

1-604. Compensation. The compensation of the city administrator shall be set annually in the operating budget. The position of city administrator shall be separate from the established employee compensation plan. (as added by Ord. #01-04, April 2001)

1-605. Benefits. The city administrator shall be entitled to all of the benefits afforded to regular employees. In addition, the city administrator shall be entitled to his/her family medical insurance paid entirely by the city. Further, the city administrator shall have the use of a city owned vehicle for the execution of his/her official duties.

The board may consider, in the employment of the city administrator, the reimbursement of moving expenses. (as added by Ord. #01-04, April 2001)

1-606. Performance evaluation. The board of mayor and aldermen shall conduct annually a performance evaluation of the city administrator based upon a certain criteria the board may establish. The board shall meet with the administrator in an evaluation session and share their results. (as added by Ord. #01-04, April 2001)

1-607. Termination. The city administrator serves under a contractual agreement at the pleasure of the board, and as such may be terminated by a majority vote of the fully constituted board. If such termination should occur the administrator may be entitled to severance pay not to exceed four (4) months.

A newly employed city administrator shall not be terminated within twelve (12) months from the date on which he/she assumed the duties of city administrator, except for incompetence, malfeasance, misfeasance, or neglect of duty. (as added by Ord. #01-04, April 2001, and amended by Ord. #02-13, May 2002)

1-608. Personnel rules. The city administrator shall enforce and follow all personnel rules as contained in the adopted personnel rules and regulation manual, which may be amended by the board when necessary. (as added by Ord. #01-04, April 2001)

1-609. Request for services. All service request and requests for information from the board of mayor and aldermen and citizens shall be directed to the city administrator's office. The administrator will log requests electronically and direct the request to the individual city department within 24 hours of the request. The administrator will strive to respond to the request with a resolution or information in a timely manner. (as added by Ord. #02-39, Dec. 2002)

CHAPTER 7

TREASURER

SECTION

1-701. Appointment.
1-702. [Reserved.]
1-703. Keep financial records.
1-704. Serve as financial director.

1-701. Appointment. The treasurer shall be appointed by the mayor and aldermen and shall serve by the pleasure of the board. (as added by Ord. #04-15, Sept. 2004)

1-702. [Reserved.] (as added by Ord. #04-15, Sept. 2004, amended by Ord. #06-48, Jan. 2007, and deleted by Ord. #09-04, May 2009)

1-703. Keep financial records. The treasurer shall keep all necessary records related to the assets, obligations, and financial affairs of the city including bank accounts, budgets, annual reports, schedule of assets, corporate obligations and income and expense reports of the city. (as added by Ord. #04-15, Sept. 2004)

1-704. Serve as financial director. The treasurer shall serve as Financial Director of the City of White House. (as added by Ord. #04-15, Sept. 2004, and amended by Ord. #14-25, Dec. 2014)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. LEISURE SERVICES BOARD.
2. LIBRARY BOARD.
3. DELETED.
4. DELETED.
5. DELETED.

CHAPTER 1

LEISURE SERVICES BOARD

SECTION

2-101. Board created, membership, terms, appointments, and vacancies.
2-102. Powers and duties of the board.
2-103. [Deleted.]
2-104. [Deleted.]
2-105. Rules and regulations.
2-106. Enforcement.
2-107. Sports operating procedures.
2-108. Code of conduct.

2-101. Board created, membership, terms, appointments and vacancies. There is hereby created the White House Board of Leisure Services, hereinafter called "the board." The board shall consist of seven (7) members who shall serve without compensation and who shall be appointed by the mayor. The board shall be composed of the mayor, or the mayor's designee from the board of mayor and aldermen or city administrator, one (1) alderman appointed by the mayor and aldermen and five (5) citizens who are residents of the City of White House and appointed by the mayor. The term of office for the five (5) citizens shall be staggered three (3) years or until their successors are appointed. Vacancies in such board shall be filled by the mayor for the unexpired term. (1979 Code, § 1-1201, as replaced by Ord. #96-16, Sept. 1996, and Ord. #09-23, Dec. 2009, and amended by Ord. #16-05, Feb. 2016, and Ord. #19-17, Sept. 2019 ***Ch18_12-19-19***)

2-102. Powers and duties of the board. (1) The board is to act as a recommending body in the development of a leisure system within the City of White House. The board under the direction of the board of mayor and aldermen will recommend properties to be developed as parks, theaters, community

centers, etc. and will make recommendations for planning new sites which will be selected.

(2) The board shall be an advisory body responsible for providing guidelines and direction in meeting the cultural, artistic, athletic/fitness, historic, tourism and natural resource needs of the City of White House.

(3) The board is to advise the leisure services department in connection with the artistic and cultural development of White House.

(4) This board shall also establish the needs for the community so that an ongoing program may be maintained in accordance with a long range plan to be developed by the board, subject to final review and approval of the planning commission and the board of mayor and aldermen. This board shall establish the goals, policies and procedures for a recreation program for residents of the city.

(5) Duties of officers. (a) Chairman. The chairman shall preside at all meetings of the board and shall call special meetings of the board. The chairman shall vote on all matters coming before the board.

(b) Vice-chairman. The vice-chairman should preside over any meeting in which the chairman is not present.

(c) Secretary. The director of leisure services shall act as secretary of the board. The secretary is responsible for preparing the agenda and minutes of all meetings.

(6) Appointment of chairman. The chairman and vice chairman shall be appointed annually by a majority vote of the board at its July meeting.

(7) Board meetings. (a) The board will meet regularly on a bi-monthly basis. The day shall be set by the board. The time shall be set in the evening.

(b) All regular and special called meetings of the board shall be open to the public.

(c) The director and appropriate staff will be present at all meetings of the board.

(d) Minutes of the board meetings will be available for review during regular business hours at the White House City Hall.

(8) Minutes. All proceedings of the board shall be in typed form and filed in a permanent book of record. This book shall be open to the public for inspection at all reasonable and proper times.

(9) Quorum. A majority of the duly appointed board members shall constitute a quorum.

(10) Voting. The ayes and nays will be taken upon the passage of all board matters. All votes will be entered upon the minutes of the meeting. The act of a majority of members, at which a quorum is present, will be the official act of the board.

(11) Committees. (a) The board shall establish committees to review certain matters under consideration by the board.

(b) The director of leisure services shall always act as an ex-officio member of all committees. (1979 Code, § 1-1202, as replaced by Ord. #96-16, Sept. 1996, amended by Ord. #03-19, Oct. 2003, replaced by Ord. #08-08, June 2008, and amended by Ord. #09-23, Dec. 2009, Ord. #14-06, March 2014, and Ord. #19-17, Sept. 2019 ***Ch18_12-19-19***)

2-103. [Deleted.] (1979 Code, § 1-1203, as replaced by Ord. #96-16, Sept. 1996, and deleted by Ord. #08-08, June 2008)

2-104. [Deleted.] (1979 Code, § 1-1204, as replaced by Ord. #96-16, Sept. 1996, and deleted by Ord. #08-08, June 2008)

2-105. Rules and regulations. (1) Definitions. For the purpose of this section the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "City" is the City of White House, Tennessee.

(b) "Director" is the director of parks and recreation of the City of White House, the person immediately in charge of all park areas and its activities.

(c) "Park" is all city owned or operated parks, municipal centers, aquatic facilities, greenways and other recreational areas.

(d) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(e) "Vehicle" is any wheeled conveyance, whether motor powered, animal drawn, or self propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city park.

(2) Persons invited to use city parks; park hours. (a) All persons are invited to use city parks and their facilities who will comply with the terms of this section and such rules and regulations promulgated hereunder governing the use of city parks.

(b) All city parks and future parks will be open to use by the public between the hours of 6:00 A.M. and 11:00 P.M.

(c) All ball parks shall be closed one hour after sunset until 7:00 A.M. unless ballfield lights are on and are authorized to be on by league officials and/or the city director of parks and recreation. No baseball or softball inning shall begin after 10:45 P.M., in any case.

(d) Tennis courts shall have the open hours posted at the entrance of the courts.

(e) Each recreation center complex shall have posted the open hours for its indoor and outdoor recreational facilities. No person or

persons and/or vehicles will be allowed to be in the recreation center complex after closed hours. Vehicles parked in the recreation center complex after complex is closed may be towed away at the owners expense.

(3) Unlawful activities. It shall be unlawful relative to the following:

(a) Buildings and other property. (i) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railways, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placecards, whether temporary or permanent, monuments, stakes, posts, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(ii) Restrooms and washrooms. Failure to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

(iii) Removal of natural resources. Dig or remove any soil, rock, stone, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(iv) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or string any public service utility into, upon or across such lands, except upon special written permit issued hereunder.

(b) Trees, shrubbery and lawns. (i) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(ii) Climbing trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences, or gun carriages or upon other property not designated or customarily used for such purposes.

(iii) Equine activities. Except with written permission of the director during special events, it is unlawful for any individual to enter the park on horseback, horse drawn carriages, wagons, etc.

(c) Wild animals, birds, etc. (i) Hunting, molesting, etc. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile or bird; nor shall they remove or

have in their possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird; nor shall they collect, remove, have in their possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift any specimen alive or dead of any of the group of endangered species. Exception to the foregoing is made in that snakes known to be deadly, poisonous, such as rattle snakes, moccasins, copperheads, or other deadly reptile may be killed on sight.

(ii) Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

(d) Sanitation. (i) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond or lake, stream bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters any substance, matter or thing, liquid or solid, which or may result in the pollution of said waters.

(ii) Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters contiguous to any park, or left any where on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the persons responsible for its presence, and properly disposed of elsewhere.

(e) Traffic. (i) State motor vehicle laws and city traffic ordinances apply. Fail to comply with all applicable provisions of the state motor vehicle traffic laws and the traffic ordinances of the City of White House in regard to equipment and operation of vehicles together with such regulations as contained in this and other ordinances.

(ii) Obey personnel, enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever needed and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director.

(iii) Obey traffic signs. Failure to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.

(iv) Speed of vehicles. Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles an hour, except upon such roads as the director may designate, by posted signs, for speedier travel.

(v) Operation confined to specific areas. Drive any vehicle on any area except the paved or graveled park roads or parking areas as may on occasion be specifically designated as temporary parking areas by a park attendant.

(f) Parking. (i) Designated areas. Vehicles shall park in designated areas.

(ii) Full parking. Full-park on the road or driveway at any time.

(iii) Immovable vehicles. Leave any vehicle anywhere in the park with one or more wheels chained, or motor set in gear and doors locked, or in any manner fixed or arranged so that such vehicle cannot be readily moved by hand.

(iv) Night parking. Leave a vehicle standing or parked at night without lights clearly visible for at least one hundred (100) feet from both front and rear on any driveway or road area except legally established parking areas.

(v) Double parking. Double park any vehicle on any road or parkway unless directed by a park official.

(vi) Muffler required. Fail to use muffler adequate to deaden the sound of the engine in a motor vehicle.

(vii) Abandonment. Leave a vehicle within the boundaries of the park after park hours unless such vehicle be disabled and is reported by the driver to the director or police department. Any vehicle remaining in said park after closing hours, will be towed away and stored at the expense of the owner.

(g) Bicycles and motorcycles. (i) Confined to roads. Ride a bicycle or motorcycle on other than a paved vehicular road or designated areas by the director.

(ii) Operation generally. Ride a bicycle or motorcycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles and motorcycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists and motorcyclists shall, at all times, operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle that are overtaking and pass to the right of any vehicle that may be meeting. No motorcycles shall be operated in the park unless equipped with a properly functioning muffler adequate to suppress motor noise to a comfortable level of sound.

(iii) Rider prohibited. Ride any other person on a bicycle.

(iv) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(v) Immobile. Leave a bicycle or motorcycle lying on the ground or pavement, or set against trees, or in any place or position where other persons may trip over or be injured by them.

(h) Recreational activities. (i) Swimming, etc. Swim, bathe, or wade in any water or waterways in or adjacent to such park, in city operated aquatic facilities.

(ii) Hunting and firearms. Hunt, trap or pursue wildlife at anytime. No person shall use, carry or possess firearms of any description or air-rifles, springguns, bow-and-arrows, slings or any other form of weapon potentially dangerous to wildlife and human safety, or any kind of trapping device. Shooting into park areas from beyond park boundaries.

(i) Picnic areas. (i) Generally. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to assign activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(ii) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first serve" unless otherwise reserved.

(iii) Use of any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable amount of time if the facilities are crowded.

(iv) Duty of picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposable receptacles where provided. If no such receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(j) Camping. Except where specifically set out by below, to set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or could be used for such purpose, such as house trailer, camp trailer, camp wagon or the like. Overnight "pup tent" camping by organized groups sponsored by recognized youth agencies is permissible by special permit of the director.

(k) Games. Take part in or abet playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as baseball is prohibited except on the fields and courts or areas provided therefor.

(i) Traditional golf. For any person to play, practice or otherwise engage in the game of golf within the confines of any park of the city, except those parks specifically designated by the director as a golf course. Disc golf is allowed, but only in those areas specified as a "disc golf course."

(l) Off-road vehicles. Drive an all-terrain vehicle (ATV), motor cross motorcycle, go-cart, or any other off-road vehicle on any park lands or city property.

(4) Certain behavior declared unlawful. (a) Intoxicating beverages.

(i) Prohibition. Bring controlled substances and/or alcoholic beverages into the park unless a special event is being hosted by an approved organization that has been issued a special event permit (§§ 8-208 and 8-318 of the White House Municipal Code).

(ii) Drunkenness. Have entered the park while under the influence of controlled substances and/or intoxicating beverages, or be under the influence of controlled substances and/or intoxicating liquor while within the park.

(b) Fireworks and explosives. Bring, or have in their possession, or set off or otherwise cause to explode or discharge or burn any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. An exception is made regarding special events such as Fourth of July celebrations, etc.

(c) Domestic animals. Have been responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in this Area". Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals permitted shall be restrained at all times on adequate leashes not greater than five (5) feet in length. Any pet found at large may be seized . Dogs under owner/agent supervision are permitted to run at large inside fenced area city-owned dog parks.

(d) Reservation of facilities. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated for the use of the opposite sex. Exception is made for children under six (6) years of age.

(e) Dress. Appear at any place other than proper clothing.

(f) Fires. Build or attempt to build a fire except in such areas an under such regulations as may be designated by the director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(g) Alms. Solicit alms or contributions for any purpose, whether public or private.

(h) Closed areas. Enter an area posted as "Closed to the Public", nor shall any person use or abet the use of any area in violation of posted notices.

(i) Games of chance. Gamble or participate in or abet in any game of chance.

(j) Going onto ice. Go onto ice on any water in or adjacent to any park.

(k) Loitering and boisterousness. Sleep or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to be a breach to the public peace.

(l) Interference with permittees. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(m) Skateboards. No skateboards shall be permitted within the confines of any park.

(n) Smoking or vaping. Smoking or vaping of any kind within the designated no-smoking areas shall be prohibited.

(5) Merchandising, advertising and signs.

(a) Vending and peddling. Expose to offer for sale any article or thing, nor shall they station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made to regularly licensed concessionaire acting by and under the authority and regulation of the director, and those conducting activities under a permit where such permit permits the sale of articles or things. The exception under the permit shall only be granted to those activities which are charitable in purpose.

(b) Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(c) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or

cause to be erected any sign whatever on any public lands or highways or roads adjacent to a city park without permit from the director.

(d) Banners. Event banners may only be displayed when a special use permit is obtained and approved by the director of parks and recreation. Permits will only be issued for qualifying events such as those organized by White House civic clubs, bona fide charitable organizations and those organized by the parks department. Approved banner signs shall be no longer than sixteen (16) square feet and installed no sooner than fourteen (14) days prior to the event. Placement of the banners on park property shall be coordinated with the parks office upon issuance of the special use permit. No more than two (2) signs will be permitted at any one (1) time and they must be separated by at least twenty-five feet (25').

(6) Park operating policy. (a) Closed areas. Any section of a city park may be declared closed to the public by the director at anytime and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses as the director shall find reasonably necessary.

(b) Lost and found articles. The finding of lost articles by park attendants shall be reported to the director who shall make every reasonably effort to locate the owners. The director shall make every reasonable effort to find articles reported as lost.

(c) Permit. A permit shall be obtained from the director before participating in the following park activities: Overnight camping by organized groups under the sponsorship of youth development agencies; sale of articles or things by a permittee for a charitable purpose.

(i) Application. A person seeking issuance of a permit hereunder shall file an application with the appropriate director. The application shall state:

(A) The name and address of the applicant.

(B) The name and address of the person, persons, corporation or association sponsoring the activity, if any.

(C) The day and hours for which the permit is desired.

(D) The park or portion thereof for which such permit is desired.

(E) An estimate of the anticipated attendance.

(F) Any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(ii) Standards of issuance. The director shall issue a permit hereunder when he finds:

(A) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.

(B) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

(C) That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct.

(D) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city.

(E) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(F) That the party involved is in good standing with the parks and recreation department. Good standing is defined as: no current late fees or history of non-adherence to policies, rules or regulations.

(iii) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(iv) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of negligence of the person or persons to whom such permit shall have been issued. The director is hereby authorized to require liability insurance from the person or persons to whom such permit is issued upon his own discretion.

(v) Revocation. The director shall have the power to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

(7) Additional rules and regulations. The director shall have the authority to promulgate such rules and regulations as may be necessary to carry out the provisions of this section and to assure an impartial, fair and safe use and enjoyment of city parks by those persons lawfully using the parks. The director shall have the authority to schedule the use of all parks and recreation facilities under this section. Regulations pertaining to specific activities shall be displayed in a prominent and public location at the point of the activity controlled. Rules and regulations adopted in accordance to this section shall have the same force and effect as if copies herein verbatim. (1979 Code, § 1-1205, modified, as amended by Ord. #07-27, Aug. 2007, Ord. #08-17, Aug. 2008, Ord. #08-24, Dec. 2008, Ord. #11-05, March 2011, Ord. #17-10, May 2017, and Ord. #19-17, Sept. 2019 ***Ch18_12-19-19***)

2-106. Enforcement. (1) Officials. The director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this section.

(2) Ejectment. The director, park attendants and police officers shall have the authority to eject from the parks any person whose action is in violation of this section.

(3) Citations. Only police officers shall in connection with their duties impose citations to person or persons in violation of this section if such violation calls for a citation. (1979 Code, § 1-1206, as amended by Ord. #97-14, Nov. 1997, and Ord. #15-07, May 2015)

2-107. Sports operating procedures. (1) Allocation of facilities.

(a) White House residents shall have priority for all programs and use of facilities.

(b) In the event of facility limitation, as determined by staff, the following priority system will be utilized:

(i) Recreation youth programs have first priority;

(ii) Recreation adults have second priority;

(iii) Other schedule conflicts shall be resolved by parks and recreation staff.

(2) Composition of leagues. (a) All leagues are to be composed of a majority of White House residents. The term resident is anyone residing within the corporate limits of the City of White House.

(b) Church teams of churches located in the City of White House are exempt from the majority rule. However, all team members must belong to the church that they are representing.

(c) Businesses within the City of White House that pay real estate taxes to the municipality are exempt from the majority rule. Members must be employed by the business located within the city and not be a business which has the same name, e.g. McDonalds, Osh Kosh, Amoco, etc.

(d) Teams not meeting the majority rule are still eligible to participate by paying the non-resident fee assessed by the board of mayor and alderman, but only when league space is available.

(3) Submission of program proposals. (a) All program proposals must be submitted to the parks and recreation department sixty (60) days prior to the first day of program activities. Program evaluations must be received within sixty (60) days of conclusion of program. Co-sponsored leagues have precedence over any proposed new league as long as it is in good standing with the parks and recreation department.

(i) The parks and recreation department reserves the right to approve or disapprove a program presented to it, which is inconsistent with the best interest of the citizens of White House. Program information shall consist of a minimum:

(A) Schedule of event and operation.

(B) Financial disclosure of all sources of income and expected expenditures.

(C) Complete listing of board of directors and other responsible leaders.

(D) The rules and regulations governing the proposed program.

(E) Statement from authorized insurance carrier attesting to appropriate liability and accident insurance for all participants, coaches, and administrators. One million dollars minimum liability insurance must be carried.

(4) Specific responsibilities. (a) The city will provide:

(i) Facilities and general maintenance of facilities.

(ii) Future facility planning, acquisition, and construction as projected and defined by the user within the parameter of established priorities and available resources.

(iii) Aid and assist in providing information to the public.

(iv) Upon request conduct registration for each program.

(b) The organization's responsibilities will be:

(i) Provide own financial income.

(ii) Provide own logistical service such as officiating, scheduling, team selection, utility costs and site preparation, etc.

(iii) It is mandatory that all head coaches of sport programs be certified through an approved coaches' certification program prior to league play.

(iv) Provide the city schedules of games and practices and makeup dates fourteen (14) days prior to beginning of season. This includes all tournament dates and sites. Failure to do so will affect approval for future use of facilities.

(v) Develop and maintain a financial report and rules of operation that are consistent with the development of sports programs.

(vi) Make projections for facility usage for future planning.

(vii) Provide information to the city for information clearinghouse.

(viii) Provide adequate liability and accident insurance ($1,000,000.00 minimum) for participants and the organization as well as providing a properly executed hold harmless agreement for the city.

(ix) The organization must present its financial books and records to the city's parks and recreation director within thirty (30) days after the completion of the program for auditing.

(x) Should the city not be requested to register the participants, the organization shall provide the city with a complete list of registrants and their addresses as well as collect all non-resident fees from non-residents and forward to the city within ten (10) days after the last registration date.

(xi) To maintain proper care of equipment provided by the city and to maintain cleanliness of parks and facilities.

(xii) To follow the inclement weather policy set by the city, which includes, but is not limited to, canceling or postponing any outdoor practices, games, and/or special events in the event of inclement weather in accordance with the policy of the city.

(5) Registration fees of the organization will be based on the direct operating expenses of the program and must be approved by the parks and recreation director.

(6) The park and recreation department may temporarily suspend any portion of § 2-107 when it deems the enforcement is not in the best interest of the city.

(7) Any variance to this § 2-107 must be recommended by the parks and recreation board and/or parks and recreation director to the board of mayor and aldermen for approval. (as amended by Ord. #11-12, Oct. 2011, and Ord. #19-17, Sept. 2019 ***Ch18_12-19-19***)

2-108. Code of conduct. (1) Organizations that are run independently, but operate on city facilities, are considered co-sponsored and will be subject to disciplinary action for any misconduct violations in their respective organizations. The White House Parks and Recreation Department will review these on a case by case basis. These rules and codes of conduct apply to all league commissioners, coaches, participants and spectators. These rules are in effect before, during and after activities or events which are conducted on city facilities, and all persons must adhere to them. All co-sponsored organizations are required to administer and adhere to the code of conduct, and to report violations to the White House Parks and Recreation Department.

(2) Procedures/appeals. (a) When an incident occurs at any White House Parks and Recreation facility, White House Parks and Recreation officials have the authority to institute immediate suspensions. White House Parks and Recreation officials will direct the offending individual(s) to leave the facility. If the offending individual(s) refuses to leave the premises, the White House Police Department will be contacted immediately to enforce the ruling.

(i) Officials. Officials shall include but not be limited to referees, umpires, White House Parks and Recreation staff, co-sponsored organization representatives designated by the White House Parks and Recreation Department, and school administrators.

(b) All suspensions, ejections, and violations of the code of conduct must be received by the White House Parks and Recreation Department, in writing, from an official present at the incident by the following business day. All submissions will be reviewed by the White House Parks and Recreation Department to determine if a violation of the code of conduct has occurred.

(c) An attempt will be made to contact individual(s) removed from the facility in this manner by registered letter stating the violation of policy and the penalty in effect. The individual(s) will then have seven (7) days from receipt of the letter to respond to White House Parks and Recreation with a written appeal.

(d) If a written appeal is received, an investigation will be conducted and White House Parks and Recreation will render a final decision within ten (10) working days from receipt of the appeal.

(e) During the investigation, the individual(s) will be suspended from all White House Parks and Recreation activities/events/facilities. Individual(s) requesting the appeal may be asked to appear before an appeal review committee led by the White House Parks and Recreation Director. The decision of the director will be final.

(3) Offense and penalty. Suspensions will be tracked and monitored. Individuals who have been suspended will be immediately placed on probationary status for a period of one (1) year from the date of the offense. A second offense by the same individual within one (1) year, regardless of nature, will result in double the term of the penalty and an extension of probationary period from the date of the second offense. A third violation by the same individual within one (1) year, regardless of nature, will be void all White House Parks and Recreation privileges indefinitely. Failure to comply with these guidelines will result in legal action.

Conduct that is a violation of Tennessee Statutes of Law or the City of White House Municipal Ordinances will be reported to the White House Police Department. Consequences of violation of state statutes or city ordinances are separate from and in addition to the consequences of violation of the City of White House Parks and Recreation Code of Conduct.

(a) Level 1 - Standard. (i) Offense. Failure to follow departmental established guidelines, rules, policies and procedures as applicable to related programming; failure to comply with a White House Parks and Recreation official's decision; taunting/mocking/harassment of players; disgruntled expressions such as rude gestures or comments, screaming and loudly disagreeing with others or obscene/profane/vulgar language; throwing/kicking/striking of bats, balls and other miscellaneous equipment; unnecessary roughness among participants.

(ii) Penalty. A warning may be given according to the severity of the offense; otherwise immediate ejection and removal from the premises and a minimum ten (10) day suspension.

(b) Level 2 - Verbal. (i) Offense. Malicious, obscene/profane/ vulgar verbal abuse directed towards another individual; verbal epithets related to race, color, religion, creed, gender or sexual orientation; verbal communication of threats, physical violence or acts of insulting another with the intention to offend, defame or embarrass.

(ii) Penalty. A warning may be given according to the severity of the offense; otherwise immediate ejection and removal from the premises and a minimum thirty (30) day suspension.

(c) Level 3 - Physical. (i) Offense. Physical aggression towards another; pushing, shoving, striking or touching another individual with the perceived intent to incite, inflict or cause harm; invading another individual's personal space during a dispute.

(ii) Penalty. Not necessarily preceded by a warning; immediate ejection and removal from the premises and a minimum one hundred eighty (180) day suspension.

(d) Level 4 - Unlawful. (i) Offense. Any violation of Tennessee law; possession of firearms without a license, knives, explosive devices or weapons or under the influence of alcohol, narcotics, controlled substances, chemical or drug paraphernalia; assault with or without a weapon.

(ii) Penalty. The White House Police Department must be contacted immediately. The White House Parks and Recreation Department will issue a minimum one (1) year suspension. (as added by Ord. #11-06, April 2011)

CHAPTER 2

LIBRARY BOARD

SECTION

2-201. Created, membership, terms, vacancies.
2-202. Organization, by-laws, rules and regulations.
2-203. Function.
2-204. Power to appoint personnel.
2-205. Budget, etc.
2-206. Reports to board of mayor and aldermen.
2-207. Evaluation of the librarian.
2-208. Library free to inhabitants.
2-209. Penalties for loss of or injury to library property.
2-210. Schedule of fines, services, and damages.

2-201. Created, membership, terms, vacancies. There is hereby established a library board. This board shall consist of seven (7) persons serving without pay who shall be appointed by the mayor and board of aldermen. The board shall be composed of the mayor or his designee and six (6) citizens, four of whom shall be residents of the city. The terms of office for the six (6) citizens shall be on staggered terms with the first board being composed of two (2) citizens appointed for a one (1) year term, two (2) citizens appointed for two (2) year terms, and two (2) citizens appointed for three (3) year terms, and their successors for three (3) year terms. Board members may not serve more than two (2) consecutive terms and must have a three (3) year break before being reappointed. Vacancies in such board occurring otherwise than by expiration of their term shall be filled by the mayor for the unexpired term. (1979 Code, § 1-1301, as amended by Ord. 99-08, June 1999, Ord. #08-10, June 2008, Ord. #14-14, July 2014, Ord. #17-31, Dec. 2017, and Ord. #23-13, Sept. 2023 ***Ch21_04-17-25***)

2-202. Organization, by-laws, rules and regulations. Immediately after their appointment, they shall meet and organize by electing one of their members as chairman and such other officers as may be necessary. The chairman shall be appointed annually by a majority vote of the board at its July meeting. The board shall meet bi-monthly and set the time of the meetings for the evening. The board shall have the power to adopt by-laws, rules and regulations, for the proper organization of the public library for the city. (1979 Code, § 1-1302, as amended by Ord. #08-10, June 2008, and Ord. #10-09, June 2010)

2-203. Function. The library board has the power to direct all the affairs of the public library. It shall provide the state library agencies such

statistics and information as may be required from time to time. (1979 Code, § 1-1303, as amended by Ord. #06-20, June 2006, Ord. #09-07, June 2009, and Ord. #14-14, July 2014)

2-204. Power to appoint personnel. The library board shall have the power to appoint or designate someone to act as librarian who shall direct the internal affairs of the library and such assistants or employees as may be necessary. (1979 Code, § 1-1304, as amended by Ord. #14-14, July 2014)

2-205. Budget, etc. Annually, the library board shall submit a budget to the mayor and the board of aldermen for its approval. The board may also solicit or receive any bequests of money or other personal property or any donations to be applied, principal or income for library or museum purposes. (1979 Code, § 1-1305, as amended by Ord. #06-20, June 2006)

2-206. Reports to the board of mayor and aldermen. The library board shall make full and complete monthly reports to the board of mayor and aldermen of the city and all other reports from time to time as requested. (1979 Code, § 1-1306, as amended by Ord. #14-14, July 2014)

2-207. Evaluation of the librarian. (1) The library board will initiate and conduct an annual performance evaluation of the White House Librarian; and

(2) This annual performance evaluation will be forwarded to the city administrator, so that it may be used for possible future pay increases. (as added by Ord. #05-04, May 2005)

2-208. Library free to inhabitants. The City of White House Library shall be free to Tennesseans. (as added by Ord. #15-25, Dec. 2015, and amended by Ord. #17-30, Nov. 2017, and Ord. #18-05, April 2018 ***Ch18_12-19-19***)

2-209. Penalties for loss of or injury to library property. The library board may make policy providing penalties for loss of or injury to library property. Nothing in this chapter shall be construed to prohibit the library board from making recommendations to the board of mayor and aldermen for charging library users a reasonable fine for lat-returned library materials and charging for special services including, but not limited to, the loan of equipment, the use of photocopiers, and the use of facilities. (as added by Ord. #15-25, Dec. 2015)

2-210. Schedule of fines, services, and damages. (1) Individuals inside or outside the building may be held liable for any damage/vandalism that the said individual(s) causes. Upon determination of the cost of repairs to the damages area/item, the library director has the right to add said cost to the

individual's library card or file a vandalism report with the White House Police Department for large expenses. If the individual does not have a library card, the individual will be banned from the library, and the library director and library board will decide whether to pursue additional charges.

(2) The library director has the right to charge the individual(s) who checked out the study room the cost of any damages/vandalism that occurs while checked out to the individual(s).

(3) Schedule of fines and services.

Hot spots and tech devices	$3.00
Computer print outs	$0.20 per page (black and white) $0.50 per page (color)
Faxes	$1.00 per page
Replacement card	$1.00 per card
Non-resident fee, adult (17 years of age and older)	$10.00 annually
Non-resident fee, (16 years of age and under)	$5.00 annually
3 month temporary card for out of state resident	$15.00
6 month temporary card for out of state resident	$25.00
Lost items	Varies, based on cost of item
Damages	Varies, based on cost of repairs

(as added by Ord. #16-04, Feb. 2016, and amended by Ord. #17-02, March 2017, Ord. #17-30, Nov. 2017, Ord. #18-05, April 2018 ***Ch18_12-19-19***, Ord. #22-14, Nov. 2022 ***Ch20_07-17-23***, and Ord. #24-02, Feb. 2024 ***Ch21_04-17-25***)

CHAPTER 3[1]

DELETED

(This chapter was deleted by Ord. #2023-19, Dec. 2023 ***Ch21_04-17-25***)

[1]The original chapter 3 was deleted by Ord. #96-16, Sept. 1996.

CHAPTER 4

DELETED

(as added by Ord. #08-09, June 2008, and deleted by Ord. #12-16, Oct. 2012)

CHAPTER 5

DELETED

(This chapter was deleted by Ord. #17-25, Sept. 2017)

TITLE 3

MUNICIPAL COURT[1]

CHAPTER
1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. BONDS AND APPEALS.
4. SCHEDULE OF FINES AND COSTS.

CHAPTER 1

CITY JUDGE

SECTION
3-101. Jurisdiction.
3-102. Popular election, term, salary, etc.

3-101. Jurisdiction. (1) Municipal jurisdiction. The city court judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed $500.00 or the maximum civil penalty allowed under state law.

The city judge shall have the power to levy fines, penalties and costs, to issue all necessary process, to administer oaths, and to maintain order, including the power to punish contempt by fine or confinement not exceeding the limits provided by general laws. Costs in trials of offenses against the ordinances of the city shall be provided by ordinance. Costs in other matters shall be as established under general laws of the State of Tennessee.

(2) Concurrent jurisdiction. The city judge shall also have the authority to exercise jurisdiction concurrent with courts of general sessions in all cases involving the violation of the criminal laws of the state within the corporate limits of the city, but shall exercise such jurisdiction if and only if he/she is elected in accordance with § 3-102 of this chapter. (1979 Code, § 1-502)

3-102. Popular election, term, salary, etc. (1) Popular election. The November general election of 2014, and every eight years thereafter, the city judge shall be elected by the qualified voters of the city for a term of eight years,

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[1]Charter references
City judge--City court: § 6-4-301.
See Ordinance 96-18 (Oct. 1996) of record in the recorder's office for an ordinance adopting a schedule of fines and costs for the municipal/state court.

and the city judge shall commence their term of office and be sworn in at the regular meeting of the board of mayor in January of the calendar year following in which said office is elected or re-elected.

(2) Qualifications. The municipal judge shall be a resident of the City of White House one year and a resident of Tennessee five years immediately preceding his/her election and at least 30 years of age. In addition, the municipal judge shall be an attorney licensed to practice law in the State of Tennessee.

(3) Vacancies in office. Vacancies in the office of municipal judge shall be filled by the board of mayor and aldermen until the next regular November general election. At the next regular November election the person elected shall fill the unexpired term if the full term is not to be filled at that election.

(4) Compensation. The salary of the elected city judge is that established in Tennessee Code Annotated, § 16-18-205. The salary shall be paid monthly from the general fund of the city. In addition, as part of the compensation relating to the office of city judge, a city judge, if otherwise eligible for coverage under the health and medical benefits plan of the city, shall be afforded the same coverage under such plans, at the expense of the city, as is generally afforded to other employees of the city. (1979 Code, § 1-503, as amended by Ord. #98-25, Dec. 1998, Ord. #14-03, Feb. 2014, and Ord. #21-23, Oct. 2021 ***Ch19_01-20-22***)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Municipal court established.
3-202. Records, docket, city clerk.
3-203. Disturbance of proceedings.
3-204. Drug control account.

3-201. Municipal court established. Under the authority of Pub. Acts 1993, ch. 115, Title 16, Chapter 18, Part 2, Tennessee Code Annotated, there is established a city court for the City of White House. (1979 Code, § 1-501)

3-202. Records, docket, city clerk. The finance director shall have the duty of maintaining all records of the city court in accordance with applicable laws. The finance director may recommend to the mayor the employment of a person to assist him in this function and such person shall be designated as city court clerk. It is required that all dockets and records of the city court be maintained according to acceptable standards of the general law. The city judge and mayor shall fix the regular time for holding court, which shall be no less than one (1) times per month. (1979 Code, § 1-504, as amended by Ord. #17-28, Oct. 2017)

3-203. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1979 Code, § 1-508)

3-204. Drug control account. In all cases involving the seizure of a vehicle that contains drugs, and whose occupants are charged with the misdemeanor offense of drug possession, the procedure of Tennessee Code Annotated, § 53-11-201 shall be followed. In no incident is the city judge authorized to transfer funds in the drug enforcement fund as a substitute for a fine in a misdemeanor drug case. (1979 Code, § 1-507)

CHAPTER 3

BONDS AND APPEALS

SECTION

3-301. Appeals.
3-302. Bond amounts, conditions, and forms.

3-301. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.[1] (1979 Code, § 1-505)

3-302. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be as follows: misdemeanors which require bond - $500.00: driving under the influence of an intoxicant or drug $1,000.00 first offense, $2,000.00 second offense, $2,500.00 third offense: and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1979 Code, § 1-506)

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

CHAPTER 4

SCHEDULE OF FINES AND COSTS

SECTION

3-401. Schedule of fines and costs.

3-401. Schedule of fines and costs.

MUNICIPAL TRAFFIC COURT - CITY OF WHITE HOUSE, TN
TRAFFIC FINE SCHEDULE

Violation	Court Cost	Taxes	Fine		Total
Speeding					
1-15 miles over	$55.00	$27.50	$30.00	=	$112.50
16-30 miles over	$55.00	$27.50	$40.00	=	$112.50
31 and over	$55.00	$27.50	$50.00	=	$132.50
Open Container	$55.00	$27.50	$50.00	=	$132.50
Careless Driving	$55.00	$27.50	$50.00	=	$132.50
Child Restraint 0-4 Years Old	$55.00	$27.50	$50.00	=	$132.50
Animal Control	$55.00	N/A	$50.00	=	$105.00
Codes	$55.00	N/A	$50.00	=	$105.00
Fire Department Citations	$55.00	N/A	$50.00	=	$105.00
Red Light/Stop Sign	$55.00	$27.50	$35.00	=	$117.50
Exercise Due Care	$55.00	$27.50	$30.00	=	$112.50
Improper Passing	$55.00	$27.50	$35.00	=	$117.50
Failure to Yield	$55.00	$27.50	$35.00	=	$117.50
Following Too Closely	$55.00	$27.50	$35.00	=	$117.50
Driving on Wrong Side of Road	$55.00	$27.50	$35.00	=	$117.50
Registration Law	$55.00	$27.50	$30.00	=	$112.50
Failure to Use Signals	$55.00	$27.50	$20.00	=	$102.50
Failure to Dim Headlights	$55.00	$27.50	$20.00	=	$102.50
No Driver's License on Person	$55.00	$27.50	$20.00	=	$102.50
Window Tint Law	$55.00	$27.50	$20.00	=	$102.50
Expired Driver's License	$55.00	$27.50	$20.00	=	$102.50

Violation	Court Cost	Taxes	Fine		Total
Failure to Change Address	$55.00	$27.50	$20.00	=	$102.50
Improper Display of Tags	$55.00	$27.50	$20.00	=	$102.50
Noise Ordinance (Vehicle)	$55.00	$27.50	$20.00	=	$102.50
Handicap Parking	N/A	N/A	$50.00	=	$50.00
Emergency Lane Parking	N/A	N/A	$50.00	=	$50.00
No Parking Zone	N/A	N/A	$10.00	=	$10.00
Improper Equipment	N/A	N/A	$10.00	=	$10.00
No Signature on Registration	N/A	N/A	$10.00	=	$10.00
Seat Belt	N/A	N/A	$10.00	=	$10.00
Multiple Offense	N/A	N/A	$20.00	=	$20.00
Seat Belt 16-17 Years Old	N/A	N/A	$20.00	=	$20.00
Child Restraint 4-15 Years Old	N/A	N/A	$50.00	=	$50.00

All cases found guilty in court add $27.50 litigation tax
All applicable cases paid prior to court add $27.50 litigation tax
Court continuations - $5.00 per case.
Failure to appear in court = fine amount + $55.00 court costs + $27.50 litigation tax
Traffic school - $80.00
Copies for court documents - $0.15 per page
Certified copies - $6.00
(as added by Ord. #04-03, April 2004, and amended by Ord. #05-05, May 2005, Ord. #07-08, Feb. 2007, Ord. #07-32, Oct. 2007, and Ord. #11-11, Sept. 2011)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY--CITY PERSONNEL.
2. PERSONNEL SYSTEM.
3. DELETED.
4. INFECTIOUS DISEASE CONTROL POLICY.
5. DELETED.
6. CODE OF ETHICS.

CHAPTER 1

SOCIAL SECURITY--CITY PERSONNEL

SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of White House, Tennessee, to extend, as of the date hereinafter set forth, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the said City of White House shall take such action as may be required by applicable state and federal laws or regulations.

There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the said city or any employee, official or position not authorized to be covered under applicable state or federal laws or regulations.

There is hereby excluded from this chapter any authority to make any agreement with respect to services performed by employees:

(1) In part-time positions;

(2) In part-time positions the compensation for which is on a fee basis; and

(3) In elective "executive" positions, as a class or classes of employees and officials of said city.

Acting under § 1 hereinabove, the mayor is hereby directed to amend the Social Security Agreement as executed on January 22, 1973 by deleting the part-time and the System of Old Age, Survivors, Disability, Hospital Insurance (social security) to include the services performed by employees and officials in part-time positions and in elective "executive" positions, effective January 1, 1989.

It is understood and agreed that the agreement does not apply to services performed after July 1, 1991, that are covered under Section 210(a)(7)(F) of the Social Security Act.

It being immediately necessary for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist by reason whereof this chapter shall be in full force from and after its passage, approval and publication as required by law, and shall be effective the 18th day of January 1973. (1979 Code, § 1-701)

4-102. Necessary agreements to be executed.[1] The mayor of the City of White House, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the director of Old Age and Survivors Insurance Agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1979 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. (1979 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. (1979 Code, § 1-704)

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[1]See Ord. #94-20 (Nov. 1994) of record in the office of the recorder for amendments to the Social Security Agreement by and between the City of White House and the State Old Age and Survivors Insurance Agency.

4-105. <u>Records and reports to be made</u>. The City of White House shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1979 Code, § 1-705)

CHAPTER 2

PERSONNEL SYSTEM

SECTION

4-201. Purpose.
4-202. Coverage.
4-403. Personnel manual.
4-204.--4-208. Deleted.

4-201. Purpose. The purpose of this chapter is to establish a system of personnel administration in the City of White House that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin, or disability. (1979 Code, § 1-801, as amended by Ord. #19-25, Jan. 2020 ***Ch19-01-20-22***)

4-202. Coverage. All offices and positions of the municipal government are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the city's service unless specifically placed in the exempt service. All offices and positions of the municipal government placed in the exempt service are as follows:

(1) All elected officials.
(2) The city administrator, if there be one.
(3) Members of appointed boards and commissions.
(4) Consultants, advisers, and legal counsel rendering temporary professional service.
(5) The city attorney.
(6) Independent contractors.
(7) Deleted.
(8) Part-time employees paid by the hour of the day, and not considered regular.
(9) Volunteer personnel appointed without compensation.
(10) The city judge.

All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the city charter. (1979 Code, § 1-802, as amended by Ord. #19-25, Jan. 2020 ***Ch19_01-20-22***)

4-203. Personnel manual. Policies, procedures, and regulations related to personnel and personnel management are administered according to the City of White House Personnel Manual. The City of White House Personnel Manual

is revised and adopted by the board of mayor and aldermen by resolution when required. (1979 Code, § 1-803, as replaced by Ord. #19-25, Jan. 2020 ***Ch19_01-20-22***)

4-204.--4-208. <u>Deleted</u>. (1979 Code, § 1-804--1-808, as deleted by Ord. #19-25, Jan. 2020 ***Ch19_01-20-22***)

CHAPTER 3

DELETED

(this chapter was deleted by Ord. #24-18, Nov. 2024 ***Ch14_04-17-25)***

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

4-401. Purpose.
4-402. Coverage.
4-403. Administration.
4-404. Definitions.
4-405. Policy statement.
4-406. General guidelines.
4-407. Hepatitis B vaccinations.
4-408. Reporting potential exposure.
4-409. Hepatitis B virus post-exposure management.
4-410. Human immunodeficiency virus post-exposure management.
4-411. Disability benefits.
4-412. Training regular employees.
4-413. Training high risk employees.
4-414. Training new employees.
4-415. Records and reports.
4-416. Legal rights of victims of communicable disease.

4-401. Purpose. It is the responsibility of the City of White House, Tennessee to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of White House employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (1979 Code, § 1-1401)

4-402. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood-borne infections due to their routinely increased exposure to infectious material from potentially infected individuals. Those high risk occupations include but are not limited to:

(1) Paramedics and Emergency Medical Technicians;
(2) Occupational Nurses;
(3) Housekeeping and Laundry Workers;

(4) Police and Security personnel;
(5) Firefighters;
(6) Sanitation and Landfill Workers; and
(7) Any other employees deemed to be at high risk per this policy and an exposure determination. (1979 Code, § 1-1402)

4-403. Administration. This infection control policy shall be administered by the mayor or designated personnel who shall have the following duties and responsibility:
(1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
(2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
(3) Maintain records of all employees and incidents subject to the provisions of the chapter;
(4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
(5) Coordinate and document all relevant training activities in support of the infection control policy;
(6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;
(7) Identify, any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
(8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen. (1979 Code, § 1-1403)

4-404. Definitions. (1) "Body fluid" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.
(2) "Exposure" - the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.
(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (1979 Code, § 1-1404)

4-405. Policy statement. All blood and other potentially infectious materials are potentially infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (1979 Code, § 1-1405)

4-406. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The city will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or other potentially infectious materials to which universal precautions apply:

(a) While handling an individual where exposure is possible;

(b) While cleaning or handling contaminated items or equipment;

(c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel who provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other potentially infectious materials.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp objects must be placed in an impervious container and properly dispose of the objects.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen.

All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transporting soiled linen should always were protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1979 Code, § 1-1406)

4-407. Hepatitis B vaccinations. The City of White House shall offer the appropriate Hepatitis B vaccination to employee at risk of exposure free of charge and in amounts at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the infectious disease control coordinator. (1979 Code, § 1-1407)

4-408. Reporting potential exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them

at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Notify the infectious disease control coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (1979 Code, § 1-1408)

4-409. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (i.e., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (1979 Code, § 1-1409)

4-410. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up, period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (1979 Code, § 1-1410)

4-411. Disability benefits. Entitlement to disability benefits and other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A. § 50-6-303. (1979 Code, § 1-1411)

4-412. Training regular employees. On an annual basis, all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1979 Code, § 1-1412)

4-413. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal, protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (1979 Code, § 1-1413)

4-414. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (1979 Code, § 1-1414)

4-415. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator.

Statistics shall be maintain on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the Compliance Safety and Health Officer may wish to interview employees. Employees are expected to cooperate fully with the Compliance Officers. (1979 Code, § 1-1415)

4-416. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall the subject to disciplinary measures along with civil and/or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstances, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (1979 Code, § 1-1416)

CHAPTER 5

[As deleted by Ord. #06-41, Nov. 2006]

CHAPTER 6

CODE OF ETHICS

SECTION

4-601. Applicability.
4-602. Definition of personal interest.
4-603. Disclosure of personal interest by official with vote.
4-604. Disclosure of personal interest in non-voting matters.
4-605. Acceptance of gratuities, etc.
4-606. Use of information.
4-607. Use of municipal time, facilities, etc.
4-608. Use of position or authority.
4-609. Outside employment or other position of financial interest.
4-610. Ethics complaints.
4-611. Violations.
4-612. Appearance of impropriety.

4-601. Applicability. This chapter is the code of ethics for personnel of the City of White House. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

4-602. Definition of "personal interest." (1) For purposes of §§ 4-603 and 4-604 of this chapter, "personal interest" means:

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

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

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

(2) The words "employment interest" include:

(a) Any job, occupation, consultation, or other position for which the employee or official is compensated, whether by a third party/entity or in a self-employed capacity, other than the City of White House; and

(b) Any situation in which an official or employee or a designated family member is negotiating possible employment with a person or entity that is the subject of a vote of any City of White House

board, committee, or commission, or that is to be regulated or supervised by the City of White House.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

4-603. <u>Disclosure of personal interest by official with vote</u>. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself[1] from voting on the measure. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

4-604. <u>Disclosure of personal interest in non-voting matters</u>. 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 particular person or entity being regulated or supervised that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose the interest on a form provided by and filed with the recorder before the exercise of discretion when possible. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-18-23***)

4-605. <u>Acceptance of gratuities, etc</u>. 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 discretion, or reward him for past exercise of discretion, in executing municipal business. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

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

4-606. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

4-607. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

4-608. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

4-609. Outside employment or other position of financial interest. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

4-610. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality coordinator for the City of White House. Upon the submission to the city attorney of any written, credible request of or ethics complaint regarding any alleged violations of this chapter by any employee or official, whether appointed or elected, the city attorney shall gather and organize any information required to fully investigate the written request or ethics complaint. The written request or ethics complaint shall be delivered to the city attorney as a sworn statement of facts, under oath, before a notary public. False statements of fact may be subject to perjury charge as permitted

by the law of the State of Tennessee. The board of mayor and aldermen shall be advised that an ethics inquiry is occurring.

(2) Ethics investigator. (a) If the city attorney determines that his investigation of an alleged violation of this chapter by any employee or official is or will be a conflict of interest, then he may select another attorney, subject to the City of White House Board of Mayor and Aldermen's approval, to serve as the ethics investigator of that alleged violation. In all respects the city attorney shall act as the city's liaison to the ethics investigator during, and at the conclusion of such investigation.

(b) Such ethics investigator shall review all information provided by the city attorney and shall render a written advisory ethics opinion to the city attorney as to whether any violations have occurred based upon this ethics policy or other applicable law. Should the ethics investigator require additional information, the city attorney shall be responsible for coordinating any other information, witness, or statements and providing such information to the ethics investigator. The subpoena power of the City of White House Board of Mayor and Aldermen may be used to obtain information, if required.

(c) The ethics investigator shall report the findings to the city attorney within sixty (60) days of the complaint, unless more time is required and approved by the City of White House Board of Mayor and Aldermen action. Upon request, the ethics investigator may also be asked to issue a written advisory opinion about an ethics question or situation.

(d) Once the ethics investigator concludes an investigation and renders an opinion about a complaint or request, the city attorney shall forward such written opinion, along with any recommendations for action(s) to end or seek retribution for any activity that, in the ethics investigator's judgment, constitutes a violation of this code of ethics, to the City of White House Board of Mayor and Aldermen, and, if the subject of the investigation is an employee, to the employee and such employee's department head. The opinion shall also be sent to the person(s) that filed the request or complaint.

(3) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the investigation of such complaint shall proceed as heretofore described.

(4) Any complaint filed with malice or under false statements of fact or, in an obvious attempt to embarrass, shall be the subject of proper sanctions or disciplinary action. However, any city employee shall be able to file a valid complaint without fear of retaliation. Any supervisor, or any other employee, who harasses or retaliates against an employee filing a complaint shall be subject to disciplinary action, including dismissal.

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

(6) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

4-611. 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. (as added by Ord. #06-34, Sept. 2006, and replaced by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

4-612. Appearance of impropriety. At all times, every City of White House employee or official, whether elected or appointed, shall conduct himself or herself in a manner so as to avoid even the appearance of impropriety. (as added by Ord. #22-17, Dec. 2022 ***Ch20_08-17-23***)

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

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

CHAPTER 1

MISCELLANEOUS

SECTION
5-101. Official depository for city funds.
5-102. Fiscal year.
5-103. Returned payment fee.
5-104. Processing fee for credit and debit cards.

5-101. Official depositories for city funds. All insured banks operating within the corporate limits are hereby designated as official depositories of municipal funds. In addition to local financial institutions, the city is authorized to invest idle funds in the local government investment pool of the State of Tennessee, obligations of the U.S. Treasury. (1979 Code, § 6-101, as amended by Ord. #98-02, Feb. 1998)

5-102. Fiscal year. The fiscal year for the city shall be from July 1 to June 30. All budgetary matters shall coincide with the above dates. (1979 Code, § 6-102)

5-103. Returned payment fee. A processing fee of twenty dollars ($20.00) plus bank service charges relating to the returned payment (not to exceed thirty dollars ($30.00) total) or the amount of the payment, whichever is lesser, will be applied to any payment from customers given to the city by written check and the check is returned for insufficient funds. If any form of payment is returned for any other reason, the charging of this fee will be determined by the city's finance director. (as added by Ord. #16-20, Nov. 2016)

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[1]Charter references

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

5-104. <u>Processing fee for credit and debit cards</u>. A processing fee of two and three quarter percent (2.75%) may be applied to any payment from customers given to the city by a credit or debit card. In the event that the credit or debit card company issuing the card does not honor payment of the charge, the city shall collect the same fee that it normally charges for returned checks for insufficient funds, and this fee shall be in addition to the normal fee for using a credit or debit card for payment. (as added by Ord. #16-20, Nov. 2016, and amended by Ord. #20-03, April 2020 ***Ch19_01-20-22***)

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.
5-202. When delinquent--penalty and interest.
5-203. Sale of real estate for delinquency.
5-204. Property tax relief.
5-205. Partial payments.

5-201. When due and payable.[1] Taxes levied by the city against real property shall become due and payable annually on the first Monday of October of the year for which levied. (1979 Code, § 6-201)

5-202. When delinquent--penalty and interest. All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to one and one-half percent (1 1/2%) interest added each month thereafter.[2] (1979 Code, § 6-202, as amended by Ord. #17-26, Sept. 2017)

5-203. Sale of real estate for delinquency. The finance director shall notify all owners of real property, whose real estate taxes are not paid on April 1, for the year assessed, that said real estate taxes are delinquent.

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[1]State law references

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

[2]Charter and state law references

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

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

The finance director shall after due diligence to collect delinquent real estate taxes, turn over to the Clerk and Master of the Chancery Court in the respective counties all real property that is delinquent for two (2) years as of April 1. The Clerk and Master will process the delinquent taxes in accordance to applicable laws as provided in the Tennessee Code Annotated. (1979 Code, § 6-203, as amended by Ord. #96-08, May 1996, and Ord. #14-23, Sept. 2014)

5-204. Property tax relief. The finance director is hereby authorized to match the payment received by the city from the State of Tennessee for owners of real property that are qualified and certified as eligible for tax relief as authorized by law. (as added by Ord. #96-17, Oct. 1996, and amended by Ord. #14-23, Sept. 2014)

5-205. Partial payments. (1) The city shall accept partial payments of annual real property taxes beginning on the first Monday of October 2014. Notwithstanding the following schedule, the entire amount of taxes due must be paid in full prior to the first day of March, pursuant to § 5-202.

(2) Current real property taxes may be paid in no more than five (5) monthly installments beginning October 1 of each year. The minimum payment accepted shall be no less than twenty percent (20%) of the total real property tax bill due. In no event will a partial payment be accepted for a tax that has become delinquent.

(3) Notwithstanding the provisions of subsection (2), no interest or other fees shall be assessed against the taxpayer except as provided by § 5-202. (as added by Ord. #14-23, Sept. 2014)

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 cities, an annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1979 Code, § 6-301)

5-302. License required. No person shall exercise any taxiable privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1979 Code, § 6-302)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The finance director 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. (1979 Code, § 6-401, as replaced by Ord. #16-01, Feb. 2016)

CHAPTER 5

PURCHASING

SECTION

5-501. City administrator or his designee is purchasing agent.
5-502. General powers and duties of purchasing agent.
5-503. Purchasing procedures.
5-504--5-510. [Deleted.]

5-501. City administrator or his designee is purchasing agent. As provided in Tennessee Code Annotated, § 6-56-301, et seq., the office of the purchasing agent is hereby created and the city administrator shall faithfully discharge the duties of said office or appoint an individual to make purchases for the City of White House. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the governing body. (1979 Code, § 6-501, as replaced by Ord. #00-24, Sept. 2000, and Ord. #07-19, July 2007)

5-502. General powers and duties of purchasing agent. The purchasing agent or designated representative, as provided therein, shall purchase materials, supplied, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body by resolution and filed with the city recorder. (1979 Code, § 6-502, as replaced by Ord. #00-24, Sept. 2000, and Ord. #07-19, July 2007)

5-503. Purchasing procedures. After initial approval by resolution of the governing body of this City of White House, changes or revisions to the purchasing procedures shall be made only by resolution by the governing body. (1979 Code, § 6-503, as amended by Ord. #95-16, Sept. 1995; and Ord. 99-22, Sept. 1999; as replaced by Ord. #00-24, Sept. 2000, and Ord. #07-19, July 2007)

5-504--5-510. [Deleted.] (as deleted by Ord. #07-19, July 2007)

TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST[1]

SECTION
6-101. Police officers subject to chief's orders.
6-102. Police officers to preserve law and order, etc.
6-103. Police officers to wear uniforms and be armed.
6-104. When police officers to make arrests.
6-105. Police officers may require assistance.
6-106. Disposition of persons arrested.
6-107. Police department records.
6-108. Police officers--age requirements.
6-109. Municipal enforcement of rules of the road on interstate highways.
6-110. Police department records division fee schedule.
6-111. Establishment, equipment, and membership.
6-112. Organization, rules, and regulations.
6-113. Oath of office.
6-114. Authorization to act while off-duty.

6-101. Police officers subject to chief's orders. All police officers shall comply with such orders and administrative rules and regulations as the chief of police may officially issue. (1979 Code, § 1-401, modified, as amended by Ord. #10-13, Aug. 2010)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the city. They shall patrol the city and shall assist the city, state, and federal courts during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (1979 Code, § 1-402, as amended by Ord. #10-13, Aug. 2010)

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[1]Municipal code references
Police powers at fires: § 7-312.
Traffic citations, etc.: title 15, chapter 7.

6-103. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the chief of police shall authorize and shall be armed with approved weapons at all times while on duty unless otherwise expressly directed by the chief for special assignments or specialized duty. (1979 Code, § 1-403, modified, as amended by Ord. #10-13, Aug. 2010)

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

(1) Whenever the officer 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 the officer has probable cause to believe a felony has been committed and the person has committed it.

(4) Whenever the officer has probable cause to believe that a misdemeanor domestic violence has been committed and the person has committed it.

All arrests made by officers of the White House Police Department shall be made in accordance with the Constitution of the State of Tennessee and the Constitution of the United States. (1979 Code, § 1-404, as amended by Ord. #10-13, Aug. 2010)

6-105. Police officers may require assistance. It shall be unlawful for any person willfully to refuse to aid a police officer in making a lawful arrest when such a person's assistance is requested by the police officer and is reasonably necessary to effect the arrest and to do so would not place such person in danger of life or limb. (1979 Code, § 1-405, as amended by Ord. #10-13, Aug. 2010)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested that person shall be brought before a court of appropriate jurisdiction for immediate trial or allowed to post bond. When the city's judge or a magistrate is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1979 Code, § 1-406, as amended by Ord. #10-13, Aug. 2010)

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

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

(2) All arrests made by police officers.

(3) All police investigations made and other miscellaneous activities of the police department. (1979 Code, § 1-407, as amended by Ord. #10-13, Aug. 2010)

6-108. Police officers--age requirements. No person shall be employed in the police department as a uniformed police officer, on a full-time, part-time or reserve capacity until such individuals attains the age of eighteen (18). (1979 Code, § 1-408, as amended by Ord. #10-13, Aug. 2010, and Ord. #21-13, Aug. 2021 ***Ch19_01-20-22***)

6-109. Municipal enforcement of rules of the road on interstate highways. Pursuant to Ord. #05-03[1], the Board of Mayor and Aldermen of the City of White House authorized enforcement of rules of the road on interstate highways. (as added by Ord. #05-03, May 2005)

6-110. Police department records division fee schedule. The following fee schedule for the police department's records division is hereby established.

Fee to certify copies $5.00

(as added by Ord. #06-47, Jan. 2007, deleted by Ord. #09-02, March 2009, and replaced by Ord. #10-13, Aug. 2010)

6-111. Establishment, equipment, and membership. There is hereby established a police department to be supported and equipped from appropriations by the board of mayor and alderman. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The police department shall be composed of a chief and such number of physically-fit subordinate officers as the city shall hire.

This provision shall not be read to preclude police department use of funds that are provided by statute or available through grants provided that acquisition of such funds and their expenditure are approved by the board of mayor and alderman. (as added by Ord. #10-13, Aug. 2010)

6-112. Organization, rules, and regulations. The chief of police shall set up the organization of the department, have full authority and responsibility for the management, direction, and control of the operations and administration of the police department, make definite assignments to individuals, and shall formulate and enforce such rules, regulations, policies and procedures as shall be necessary for the orderly and efficient operation of the police department, consistent with the personnel rules and regulations, and any other city-wide

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[1]Ord. #05-03 and the Rules of the Road of the Tennessee Department of Safety attached thereto which regulate municipal enforcement of rules of the road on interstate highways is available in the office of the city recorder.

policies or rules adopted by the city administrator or the board of mayor and aldermen. (as added by Ord. #10-13, Aug. 2010)

6-113. Oath of office. The chief of police shall before entering upon his duties, take and subscribe, before the mayor, an oath or affirmation that he will support the Constitution and laws of the United States, and the State of Tennessee, and the charter and ordinances of the city, and that he will faithfully discharge the duties of his office or employment. Other members of the police force shall take this oath from the chief of police. (as added by Ord. #10-13, Aug. 2010)

6-114. Authorization to act while off-duty. Police officers are authorized to act, during those hours when such police officers are off-duty, to enforce the law or to apprehend persons who violate the law when violations or threatened violations of the law occur in the presence of an off-duty police officer and when such actions are necessary to protect lives and property within the corporate limits of the City of White House, Tennessee, and all such actions by off-duty police officers shall be carried out in accordance with the laws, rules, regulations, policies, and procedures governing actions and conduct of police officers. (as added by Ord. #10-13, Aug. 2010)

TITLE 7

FIRE PROTECTION AND FIREWORKS[1]

CHAPTER
1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. OPEN BURNING REGULATIONS.

CHAPTER 1

FIRE DISTRICT

SECTION
7-101. Fire limits described.

7-101. Fire limits described. The fire limits that will be afforded fire protection services are the corporate limits of the city, including those areas as authorized by mutual aid agreements, and in addition, the planning region if authorized by the governing body (1979 Code, § 7-101, as replaced by Ord. #02-19, July 2002)

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

CHAPTER 2

FIRE CODE[1]

SECTION

7-201. Fire code adopted.
7-202. Amendments to International Fire Code.
7-203. Enforcement.
7-204. Definition of "municipality."
7-205. Storage of explosives, flammable liquids, etc.
7-206. Gasoline trucks.
7-207. Variances.
7-208. Violations.
7-209. Novelty lighters.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 et seq., and for the purpose of regulating and governing the safe-guarding of life and property from fire or explosion, hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, and providing for the issuance of permits in the City of White House, the 2018 edition of the International Fire Code,[2] including appendices B and D, as prepared by the International Code Council, is hereby adopted by reference and included herein as part of this code. (1979 Code, § 7-201, as amended by Ord. #99-20, Aug. 1999; Ord. #00-27, Nov. 2000; replaced by Ord. #02-28, Nov. 2002; Ord. #04-12, Aug. 2004, and amended by Ord. #06-29, July 2006, Ord. #06-45, Dec. 2006, Ord. #08-23, Dec. 2008, Ord. #15-29, Dec. 2015, and Ord. #22-23, April 2022 ***Ch20_08-17-23***)

7-202. Amendments to International Fire Code.

a. Section 108 Board of Appeals is amended by adding the following language at the end of said section: Any reference to the board of appeals shall mean the city's construction board of appeals.

b. 507.5 Fire Hydrant Systems

Item 507.5.1 Where Required

Exceptions: 3-6

1. Existing Code Section

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

[2]Copies of this code are available from the International Code Council Publications, 4051 West Flossmoor Rd., Country Club Hills, IL. 60478-5795.

2. Existing Code Section
3. For a single-family dwelling occupancy building equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 the distance requirement may exceed 600 feet.
4. For a non-fire sprinkler protected utility occupancy building or building(s) accessory to a single -family dwelling occupancy on a property, the distance requirement shall not exceed 1,000 feet provided the utility occupancy building or building(s) do not exceed a total area of 1,000 sq. ft and are constructed with a fifty (50') feet perimeter setback to property lines and the primary single-family dwelling building.
5. For a utility occupancy building or buildings accessory to a single-family dwelling occupancy equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 the distance requirement may exceed 600 feet.
6. Agricultural buildings not intended for human occupancy and certified by property owner to meet agricultural definition of Tennessee Code Annotated Section 1-3-105. (1979 Code, § 7-202, as replaced by Ord. #10-07, May 2010, as amended by Ord. # 18-22, Aug. 2018 ***Ch18-12-19-19***)

7-203. Enforcement. The International Fire Code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1979 Code, § 7-203, as amended and renumbered by Ord. #10-07, May 2010)

7-204. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of White House, Tennessee. (1979 Code, § 7-204, as amended by Ord. #08-23, Dec. 2008, and renumbered by Ord. #10-07, May 2010)

7-205. Storage of explosives, flammable liquids, etc. The limits referred to in chapter 56 of the 2018 edition of the International Fire Code, in which storage of explosive materials is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in chapter 57 of the 2018 edition of the International Fire Code, in which storage of flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in chapter 57 of the 2018 edition of the International Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of

this code. (1979 Code, § 7-205, as renumbered by Ord. #10-07, May 2010, and amended by Ord. #15-29, Dec. 2015, and Ord. #22-03, April 2022 ***Ch20_08-17-23***)

7-206. Gasoline trucks. No person shall operate or park any gasoline tank truck within any business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1979 Code, § 7-206, as renumbered by Ord. #10-07, May 2010)

7-207. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1979 Code, § 7-207, as amended by Ord. #06-29, July 2006, and Ord. #08-23, Dec. 2008, and renumbered by Ord. #10-07, May 2010)

7-208. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (as added by Ord. #01-20, Nov. 2001, and amended by Ord. #04-17, Nov. 2004, #04-20, Dec. 2004, Ord. #06-29, July 2006, and Ord. #08-23, Dec. 2008, and renumbered by Ord. #10-07, May 2010)

7-209. Novelty lighters. (1) Prohibitions, inapplicability. The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the City of White House is prohibited. This prohibition is inapplicable to:

(a) Novelty lighters which are only being actively transported through the city; or

(b) Novelty lighters located in a warehouse closed to the public for purposed of retail sales.

(2) Definition. "Novelty lighter" means a lighter that has entertaining audio or visual effects, or that depicts (logos, decals, art work, etc.) or resembles in physical form or function, articles commonly recognized as appealing to or intended for use by children ten (10) years of age or younger. This includes, but is not limited to lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.

(3) Exceptions. The term "novelty lighter" excludes:

(a) Any lighter manufactured prior to 1980; and

(b) Any lighter which lacks fuel or a device necessary to produce combustion or a flame.

(4) Enforcement. The provisions of this section shall be enforced by the fire marshal, any police officer, any code enforcement officer and any other city official authorized to enforce any provision of White House City Ordinances.

(5) Violation; penalty. Any person or entity violating any provision of this section is guilty of an infraction, and upon conviction therefore, shall be subject to a fine or penalty of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) per day. (as added by Ord. #10-07, May 2010, and renumbered by Ord. #14-24, Oct. 2014)

CHAPTER 3

FIRE DEPARTMENT[1]

SECTION

7-301. Establishment, equipment, and membership.
7-302. Objectives.
7-303. Organization, rules, and regulations.
7-304. Records and reports.
7-305. Compensation of members.
7-306. Fire chief responsible for training.
7-307. Fire chief to be assistant to state officer.
7-308. Firefighters - age requirements.
7-309. Duties of the fire chief.
7-310. Duties of the fire suppression bureau.
7-311. Duties of fire prevention bureau.
7-312. Police powers at fires.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a fire chief and such number of physically-fit firefighters as authorized by the governing body. (1979 Code, § 7-301, as amended by Ord. #02-19, July 2002, and Ord. #19-16, Aug. 2019 ***Ch18_12-19-19***)

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

(1) To prevent uncontrolled fires from starting.

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

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

(4) To extinguish uncontrolled fires.

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

(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

(7) To perform fire inspection services of all industrial, commercial and governmental buildings, and to enforce all violations, where found, of the fire code.

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[1]Municipal code reference

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

(8) To inspect and map, on a continual basis, all fire hydrants within the corporate limits, to determine that all are in an operative order, and to report the need for repair to the proper authority. (1979 Code, § 7-302)

7-303. Organization, rules, and regulations. The fire chief 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. (1979 Code, § 7-303, as amended by Ord. #02-19, July 2002)

7-304. Records and reports. The fire chief shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1979 Code, § 7-304, as amended by Ord. #02-19, July 2002)

7-305. Compensation of members. All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (1979 Code, § 7-305, as amended by Ord. 99-25, Nov. 1999, Ord. #02-19, July 2002, and Ord. #19-16, Aug. 2019 ***Ch18_12-19-19***)

7-306. Fire chief responsible for training. The fire chief shall be fully responsible for the training of the fire fighters, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1979 Code, § 7-306, as amended by Ord. #02-19, July 2002, and Ord. #21-14, Aug. 2021 ***Ch19_01-20-22***)

7-307. Fire chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of commerce and insurance 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. (1979 Code, § 7-308, as amended by Ord. #02-19, July 2002)

7-308. Firefighters - age requirements. No person shall be employed in the fire department as a full-time uniformed fire fighter until such individual attains the age of eighteen (18). (1979 Code, § 7-309, as amended by Ord. #19-16, Aug. 2019 ***Ch18_12-19-19***, Ord. #19-16, Aug. 2019 ***Ch18_12-19-19***, and Ord. #21-14, Aug. 2021 ***Ch19_01-20-22***)

7-309. Duties of the fire chief. The fire chief shall directly supervise the fire suppression and prevention bureaus of the fire department in the city, its planning region and all other areas contiguous to the city as determined by

the city's governing body. The fire chief shall be responsible for the enforcement of all fire codes that have been officially adopted by the city's governing body, and shall detail qualified members of the fire department as the fire marshal, inspectors, investigators, as shall be necessary for the proper enforcement of the codes in order to ensure the overall fire protection needs of the citizens of White House and its planning region and other areas contiguous to the city as determined by the governing body, and the orderly and expeditious processing of requests for permits. The fire chief shall also be responsible for the enforcement of any duly adopted ordinances of the city dealing with fire suppression and prevention. The fire chief is directly responsible for the administration and direction of the fire suppression bureau and directly responsible for the hiring, training and disciplinary duties of the department, as they may occur, by the authority and under the conditions and circumstances as specified in the city's personnel ordinance and in the duly adopted Personnel Rules and Regulations of the City of White House. (as added by Ord. #02-19, July 2002)

7-310. Duties of the fire suppression bureau. It shall be the duty of the fire suppression bureau to take all proper steps for fire suppression and all other aspects of the overall fire protection needs of the city, it's official planning region and other areas contiguous to the city as so determined by the city's governing body, under the supervision of the fire chief and other officers appointed by the fire chief under his authority granted by the city's governing body. (as added by Ord. #02-19, July 2002)

7-311. Duties of the fire prevention bureau. The fire prevention bureau shall have among its duties the enforcement of all laws and ordinances of the city covering the following:

(1) The prevention of fires;

(2) The storage, sale, and use of combustible, flammable, or explosive materials;

(3) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;

(4) The maintenance and regulation of fire escapes;

(5) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose;

(6) The investigation of the cause, origin and circumstances of fires, arson, false alarm calls and bomb threats, and

(7) The maintenance of fire cause and loss records.

The fire prevention bureau shall have other such duties and powers and perform such other tasks as are set forth in the departmental policies established by the fire chief, with his approval and under supervision. All

investigations of the personnel who comprise the fire prevention bureau shall begin immediately upon the occurrence of a fire, attempted fire or false call.

Before any permits may be issued as required by the ordinances of the city or by the duly adopted codes of the city, the fire marshal or his assistant shall timely inspect and approve the receptacles, processes, vehicles, buildings, or storage places to be used for any such purposes. The fire prevention bureau shall also be responsible for all requirements specifically delineated in standard fire codes which have been duly adopted by the city's governing body. (as added by Ord. #02-19, July 2002)

7-312. <u>Police powers at fires</u>. The fire chief or any assistant of such chief in charge at any fire shall have the same police powers at such fire as the chief of police, under such regulations as may be prescribed by ordinance and in the duly adopted fire codes of the city.

The fire official conducting operations in connection with the extinguishment and control of any fire, explosion or other emergency shall have full power and authority to direct all operations of the fire extinguishment or control and to take all the necessary precautions to save life, protect property, and prevent further injury or damage. In the pursuit of such operation, including the investigation of the cause of such emergency, the fire official may control or prohibit the approach to the scene of such emergency by any vehicle, vessel, or thing and all persons.

No person shall obstruct the operations of the fire department in connection with extinguishing any fire, or actions relative to other emergencies, or disobey any lawful command of the fire official in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department at the fire scene.

The fire official in charge of an emergency scene shall have the authority to establish fire line barriers to control access to the vicinity of such emergency, and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such fire line barrier. No person, except authorized by the fire official in charge of law emergency, may cross such fire line barriers.

The fire chief or fire official in charge of an emergency scene is authorized to issue passes entitling the holders thereof to cross fire line barriers. Such passes shall not authorize trespass at the scene of an emergency. Credentials that clearly establish the authority and identity of the holder thereof to enter the premises, whether or not issued by the fire official, may be honored by the fire official in charge of the emergency scene if concurred with by the person in charge of the premises involved in the emergency.

No person, except a person authorized by the fire official in charge of an emergency scene or a public officer acting within the scope of public duty, shall remove, unlock, destroy, or tamper with or otherwise molest in any manner any locked gate, door or barricade, chain, enclosure sign, tag, or seal that has been

lawfully installed by the fire department or by its order or under its control. (as added by Ord. #02-19, July 2002)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

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

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the fire chief , assistant fire chief, or on-duty department supervisor, is in such hazardous proximity to property owned by or located within the city as to endanger such city property or unless expressly authorized in writing by the municipal governing body. (1979 Code, § 7-307, as amended by Ord. #19-16, Aug. 2019 ***Ch18_12-19-19***)

CHAPTER 5

OPEN BURNING REGULATIONS

SECTION

7-501. Definitions
7-502. Open burning.
7-503. Other burning.
7-504. Permit revocation.
7-505. Notice.
7-506. Violations.
7-507. Permits.

7-501. Definitions. (1) "Open burning" is the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

(2) "Wood waste" is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose "disposition" by open burning is to solely get rid of or destroy. (as added by Ord. #02-20, Aug. 2002, replaced by Ord. #02-40, Dec. 2002, and amended by Ord. #06-24, June 2006)

7-502. Open burning. No persons shall cause, suffer, allow or permit open burning within the city limits of the City of White House except as set out in the following exceptions:

(1) Non-commercial fire used for cooking of food including barbecues and outdoor fireplaces;

(2) Commercial incinerator;

(3) Commercial barbecue fireplace;

(4) Comfort heating on construction jobs provided the burning is in a suitable metal container and only untreated wood is burned. This is not to be construed to allow the burning of painted or chemically treated wood for comfort heating. Controlled burning for comfort heat is not allowed when the ambient temperature exceeds 40 degrees.

(5) Non-commercial (residential) fires at single-family dwellings to rid property of "wood waste" when there is no reasonable means to move "wood waste" to a location where the city may pick them up. There will be no burning of any material that residential pickup service is provided for unless it is in an area that is inaccessible to the public works department. Burning of this "wood waste" will be limited to no more than a 150 cubic foot pile of material.

(6) Non-commercial fires used for ceremonial or recreational purposes including bonfires.

(7) Fires set by or at the discretion of responsible fire control persons for training purposes or directed at the prevention, elimination, or reduction of fire hazards.

(8) Routine demolition of structures via supervised open burning by responsible fire control persons will not be considered fire training or elimination of a fire hazard. Demolition of structures may be conducted by open burning provided that there is a unilaterally issued state or local building codes order to demolish the structure by open burning because of its structural failure or potential for structural failure. Such orders will be recognized only when there is no other safe way to demolish the structure.

(9) Fires used to clear land consisting solely of vegetation grown on the land for forest or game management purposes.

(10) The fire chief or his designee has the authority to allow open burning where there is no practical, safe, and/or lawful method or disposal.

(11) Fires set at the direction of law enforcement agencies or courts for the purpose of destruction of controlled substances and legend drugs seized as contraband. This does not include antineoplastic agents.

(12) Exceptions (1) to (4) above are allowed with no permit requirements.

(13) Exceptions (5) to (11) shall require a permit issued by the fire department at no cost. (as added by Ord. #02-20, Aug. 2002, replaced by Ord. #02-40, Dec. 2002, and amended by Ord. #06-24, June 2006, and Ord. #22-18, Dec, 2022 ***Ch20_08-17-23***)

7-503. Other burning. The fire chief or his designee shall have the authority to permit or prohibit open burning not specifically addressed herein. (as added by Ord. #02-20, Aug. 2002, and replaced by Ord. #02-40, Dec. 2002)

7-504. Permit revocation. Burning permits shall be revoked and/or will not be issued if such burning is a nuisance to others, as determined by the fire department. (as added by Ord. #02-20, Aug. 2002, and replaced by Ord. #02-40, Dec. 2002)

7-505. Notice. All requests for fire department issued permits require a forty-eight (48) hour advance notice prior to burning to allow ample time for inspection of the burning site. (as added by Ord. #02-40, Dec. 2002)

7-506. Violations. Persons violating this ordinance may be subject to a citation and/or denial of future permitted burning. (as added by Ord. #02-40, Dec. 2002)

7-507. Permits. Permits must be signed by the person conducting the open burning. By signing the permit, the person is agreeing to the rules set forth on the permit. (as added by Ord. #02-40, Dec. 2002)

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER
1. INTOXICATING LIQUORS-ON PREMISE CONSUMPTION.
2. BEER.
3. PACKAGE LIQUOR STORES.

CHAPTER 1

INTOXICATING LIQUORS-ON PREMISE CONSUMPTION

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 for consumption on the premises.
8-104. Annual privilege tax to be paid to the finance director.
8-105. Concurrent sales of liquor by the drink and beer.
8-106. Advertisement of alcoholic beverages.
8-107.--8-109. [Deleted.]
8-110. Hours of sale.

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 eight percent (8%) by weight, or less. (1979 Code, § 2-101, as replaced by Ord. #08-28, Jan. 2009, and amended by Ord. #17-33, Dec. 2017)

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 the City of White House, Tennessee. It is the intent of the board of mayor and aldermen that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in the City of White House, Tennessee, the same as if said code sections were copied herein

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[1]State law reference
Tennessee Code Annotated, title 57.

verbatim. (as added by Ord. #08-28, Jan. 2009, and amended by Ord. #14-04, March 2014)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. (1) 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, section 301, for the City of White House General Fund to be paid annually) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of White House on alcoholic beverages for consumption on the premises where sold.

(2) No tax authorized or imposed by this section shall be levied or assessed from any charitable, non-profit, or political organization selling alcoholic beverages at retail pursuant to a special occasion license. (57-4-301(e)) (as added by Ord. #08-28, Jan. 2009, and amended by Ord. #14-04, March 2014, and Ord. #2023-20, Jan. 2024 ***Ch21_04-17-25***)

8-104. Annual privilege tax to be paid to the finance director. 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 White House shall remit annually to the finance director the appropriate tax described in § 8-103. Such payments shall be remitted between January 1st and February 1st of each year to the City of White House, Tennessee. 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. (as added by Ord. #08-28, Jan. 2009, and amended by Ord. #14-04, March 2014)

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 White House, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding the provisions of § 8-208(3) of the City of White House Municipal Code, qualify to receive a beer permit from the city. (as added by Ord. #08-28, Jan. 2009)

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. (as added by Ord. #08-28, Jan. 2009, and amended by Ord. #14-04, March 2014)

8-107. -- 8-109. [Deleted]. (as added by Ord. #08-28, Jan. 2009, and deleted by Ord. #14-04, March 2014)

8-110. Hours of sale. On-premises license holders shall follow the hours of sale for liquor by the drink as regulated by the Tennessee Alcoholic Beverage Commission. (as added by Ord. #08-28, Jan. 2009, and replaced by Ord. #14-04, March 2014)

CHAPTER 2

BEER[1]

SECTION

8-201. Beer board established.
8-202. Meetings of the beer board.
8-203. Record of beer board proceedings to be kept.
8-204. Requirements for beer board quorum and action.
8-205. Powers and duties of the beer board.
8-206. "Beer" defined.
8-207. Permit required for engaging in beer business.
8-208. Classes of permits.
8-209. Interference with public health, safety, and morals prohibited.
8-210. Issuance of permits to persons convicted of certain crimes prohibited.
8-211. Prohibited conduct or activities by beer permit holders.
8-212. Revocation and suspension of beer permits.
8-213. Civil penalty in lieu of revocation or suspension.
8-214. Privilege tax.
8-215. Loss of clerk's certification for sale to minor.
8-216. Termination of business, or change in ownership, relocation of business or change in business.

8-201. Beer board established. There is hereby established a beer board to be composed of five (5) members appointed by the board of mayor and aldermen, one (1) of which shall be a member of the board of mayor and aldermen. Terms shall be for two (2) years except the first terms appointed shall be for one (1) and (2) years, with two (2) member's terms expiring each year. The board of mayor and aldermen's representative shall be for the duration of his term of office. A chairman shall be elected annually by the board from among its appointed members. All members of the beer board shall serve without compensation. The board of mayor and aldermen shall fill any vacancies that occur. (1979 Code, § 2-201, as replaced by Ord. #06-40, Nov. 2006, and Ord. #08-07, June 2008)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board may hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the

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[1]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).

beer board, a special meeting may be called by the chairman, provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1979 Code, § 2-202, as replaced by Ord. #06-40, Nov. 2006)

8-203. Record of beer board proceedings to be kept. The city recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1979 Code, § 2-203, as replaced by Ord. #06-40, Nov. 2006)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1979 Code, § 2-204, as replaced by Ord. #06-40, Nov. 2006)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1979 Code, § 2-205, as replaced by Ord. #06-40, Nov. 2006)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt beverages having an alcoholic content of not more than eight percent (8%) by weight; provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. (1979 Code, § 2-206, as replaced by Ord. #06-40, Nov. 2006, as amended by Ord. #07-28, Sept. 2007, and Ord. #17-32, Dec. 2017)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars ($250.00). A charitable, non-profit, or political organization based in the city shall be exempt from this fee. 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. Pursuant to Tennessee Code Annotated, § 57-5-103 the city shall not issue a permit unless the applicant has been a citizen or lawful resident of the United States for not less than one (1) year immediately preceding the date upon which the application is made to the city. (1979 Code, § 2-207, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #2023-20, Jan. 2024 ***Ch21_04-17-25***, and Ord. #24-08, July 2024 ***Ch21_04-17-25***)

8-208. Classes of permits. Permits may be issued by the beer board as follows:

(1) A manufacture's or distributor's permit to a manufacturer of beer for the manufacture, possession, storage, sale, distribution and transportation of the product of such manufacture, not to be consumed by the purchaser upon or near the premises of such manufacturer. A manufacturer of beer is defined as one who employs a minimum of twenty-five (25) full-time employees in the manufacture of beer.

(2) An "off-premises" permit to any person of legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser or other persons upon or near the premises of such seller. Drive in beer sales are authorized for off-site permit holders only. "Off-premises" permit holders shall be permitted to sell beer on a twenty-four (24) hour basis, seven (7) days a week.

(3) An "on-premises" restaurant permit to any person or legal organization engaged in the operation of a restaurant wherein in the sale of beer is for consumption on the premises. Requirements include:

(a) A public place kept, used, maintained, and held out to the public as a place where meals are actually and regularly served. Including inside the building or on any deck, patios, and other outdoor serving areas that are contiguous to the exterior of the building for which the permit is issued,

(b) Sleeping accommodation is not provided.

(c) Supplied with adequate and sanitary kitchen and dining room equipment,

(d) Seating capacity of at least forty (40) at tables,

(e) More than fifty percent (50%) of the gross revenue of the restaurant is generated from serving meals.

(f) No "on-premises" beer permit holder shall sell or give away beer between the hours of 3:00 A.M. and 8:00 A.M. on weekdays, or between the hours of 3:00 A.M. and 10:00 A.M. on Sundays.

(4) An "on-premises" limited-service restaurant permit to any person or legal organization engaged in the operation of a restaurant wherein in the sale of beer is for consumption on the premises. Including inside the building or on any deck, patios, and other outdoor serving areas that are contiguous to

the exterior of the building for which the permit is issued, Requirements include:

A public place which has a seating capacity for at least forty (40) at tables that is kept, used, maintained, advertised, and held out to the public as a place where during regular hours of operation:

(i) Alcoholic beverages are served to patrons.

(ii) A menu of prepared food is made available to patrons.

(iii) The gross revenue from the sale of prepared food is fifty percent (50%) or less.

(iv) The business will comply with the requirements of Tennessee Code Annotated, § 57-4-204 (prohibited sexual or pornographic conduct).

(v) Sleeping accommodations are not provided.

(vi) Provide a security action plan that adequately provides for public safety.

(vii) No "on-premises" beer permit holder shall sell or give away beer between the hours of 3:00 A.M. and 8:00 A.M. on weekdays, or between the hours of 3:00 A.M. and 10:00 A.M. on Sundays.

(5) A "special occasion permit" to any bona fide charitable, nonprofit, or political organization that intends to host events where beer will be sold within the city.

(a) All proceeds from the sale of beer at the event must be directly deposited into the monetary account(s) of the non-profit permitted. Such proceeds may not be deposited into accounts owned by any third party.

(b) Applicants must submit a letter of permission from the owner of the premises where the event is to be held. Such a letter should be issued to the bona fide charitable organization that has applied for the permit.

(c) No charitable organization shall be eligible to receive more than sixteen (16) special occasion permits in a calendar year.

(d) A special occasion permitted organization may receive donated beer or purchase beer at retail but may not purchase beer at wholesale.

(e) Any entity holding a special occasion permit, its employees, or members of the permitted organization may transport beer to the location for which the special occasion permit is issued.

(f) Special occasion permitted organizations shall be responsible for complying with all state statutes, rules and regulations related to the sale of beer such as the prohibition of sale to minors and visibly intoxicated persons.

(g) Beer cannot be sold or consumed between 3:00 A.M. and 8:00 A.M. on weekdays and 3:00 A.M. and 10:00 A.M. on Sundays.

(6) A "festival permit" allows a for-profit business or their third-party contractor to sell beer for consumption on the premises of a festival event for a period of up to seven (7) days.

(a) The premises on which beer will be served, sold, dispensed, or consumed must be sufficiently designated, enclosed, secured, and maintained.

(b) Adequate security for the festival must be provided.

(c) The number and location of each point of sale in which beer will be served, sold, dispensed, or consumed must be specified. If the operator of any such sale, including any entity that receives any portion of the proceeds of the sale of beer from that point of sale, is different from the festival operator, the name and relevant information of such other operator must be specified on the application to the beer board, and the beer board may determine that such other operator is required to obtain an additional festival operator permit.

(d) The staff selling, serving, or dispensing beer must be adequately trained and supervised in the service of beer and on the applicable laws regarding such service. All servers must have on their person either a valid TABC server permit card or proof of completion of a TABC approved training course.

(e) Beer cannot be sold or consumed between 3:00 A.M. and 8:00 A.M. on weekdays and 3:00 A.M. and 10:00 A.M. on Sundays.

(f) Festival permitted organizations shall be responsible for complying with all state statutes, rules and regulations related to the sale of alcoholic beverages such as the prohibition of sale to minors and visibly intoxicated persons.

(7) A "hotel-motel permit" allows the selling of beer in a hotel-motel within the city for consumption on-premises.

(a) The building is kept, used, maintained, advertised, and held out to the public to be a place where food is served and consumed. Sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential.

(b) The hotel-motel must have twenty (20) or more rooms for the sleeping accommodation of guests.

(c) The hotel-motel must have one (1) or more public dining rooms with adequate seating capacity of at least fifty (50) tables.

(d) sleeping accommodation and dining rooms must be in the same building, separate building or structure used in connection therewith on the same premises and must be a part of the hotel operations.

(8) A "caterer permit" allows the permitted to sell beer at various locations in the city for on-premises consumption.

(a) A caterer operates a permanent catering hall on an exclusive basis.

(b) A caterer has a complete and adequate commercial kitchen facility.

(c) A caterer is licensed as a caterer by the Tennessee Department of Health, unless the catering hall is licensed as a restaurant.

(d) A caterer must provide food at the event. No caterer can provide only beer.

(9) A "golf course permit" allows the proprietor of a golf course to sell beer on premises to include within the clubhouse and/or restaurant or on any decks, patios and other outdoor serving areas that are contiguous to the exterior of the building and/or the course. Where on-premises consumption is permitted on a golf course, beer may be purchased at the clubhouse, restaurant, or from a beverage cart. Beer cannot be sold or consumed between 3:00 A.M. and 8:00 A.M. on weekdays and 3:00 A.M. and 10:00 A.M. on Sundays. (1979 Code, § 2-208, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #08-29, Jan. 2009, Ord. #17-09, May 2017, Ord. #18-27, Oct. 2018 ***Ch18_12-19-19***, and Ord. #2023-20, Jan. 2024 ***Ch21_04-17-25***)

8-209. 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. No permit will be issued authorizing the storage, sale or manufacture of beer at places within one hundred fifty (150) feet of any church or school, as measured in a straight line from the nearest corner of the school or church structure to the nearest corner of the structure where beer is to be stored, sold or manufactured with the exception that there shall be no distance requirement between a permit location and any permitted use or use permitted as special exception locations within the C-6 Town Center Commercial District. (1979 Code, § 2-209, as deleted by Ord. #05-41, Jan. 2006, replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #18-15, June 2018 ***Ch18_12-19-19***)

8-210. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

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. (1979 Code, § 2-210, modified, as amended by Ord. #97-11, Aug. 1997, and Ord. #02-06, April 2002, as replaced by Ord. #06-40, Nov. 2006)

8-211. 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, storage, distribution, or manufacture of beer.

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

(3) Allow minors under twenty-one (21) years of age to congregate in or about his place of business.

(4) Make or allow any sale of beer to any person reasonably believed by the seller to be intoxicated, insane, or otherwise mentally incapacitated.

(5) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than eight percent (8%) by weight.

(6) Have been convicted of a felony within a calendar year (January-December), which may subject the permittee to revocation of license. (1979 Code, § 2-211, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #07-28, Nov. 2007, Ord. #14-09, June 2014, and Ord. #17-32, Dec. 2017)

8-212. 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. Temporary suspensions of a beer permit may not exceed six (6) months. Revocation/suspension proceedings may be initiated by the police chief.

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 consecutive twelve (12) month period. The revocation shall be for three (3) years. (1979 Code, § 2-212, modified, as amended by Ord. 99-05, April 1999; and Ord. #02-27, Nov. 2002, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #07-28, Nov. 2007, and Ord. #17-32, Dec. 2017)

8-213. Civil penalty in lieu of revocation 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 violations so charged and shall be paid to the exclusion of any other penalty that the city may impose. (1979 Code, § 2-213, as replaced by Ord. #06-40, Nov. 2006, as amended by Ord. #07-28, Nov. 2007)

8-214. Privilege tax. There is hereby imposed on any holder of a permit under this chapter an annual privilege tax of one hundred dollars ($100.00). At the time a new permit is issued, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. All permit holders shall remit the tax by February 1st of each year to the City of White House, Tennessee. Failure to pay the tax prior to February 1st shall result in immediate, temporary suspension of the holder's permit until further review by the beer board to consider imposition of civil penalties, revocation, suspension, or such other action permitted under this chapter. Upon timely payment of the tax each year, the City of White House will issue a renewal permit to the holder. (1979 Code, § 2-214, as replaced by Ord. #06-40, Nov. 2006, and Ord. #14-05, March 2014, and amended by Ord. #24-08, July 2024 ***Ch21_04-17-25***)

8-215. 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. (as added by Ord. #07-28, Nov. 2007)

8-216. <u>Termination of business, or change in ownership, relocation of business or change in business name</u>. A permit holder must return his/her permit to the board within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business name; provided that, regardless of the failure to return a permit, a permit shall expire upon termination of the business, change in ownership, relocation of interests in the business are transferred to a new owner. In the event of a change in ownership, relocation of the business or change of the business name, the permit holder may apply for a new permit. (as added by Ord. #12-04, June 2012)

CHAPTER 3

PACKAGE LIQUOR STORES

SECTION

8-301. Alcoholic beverages subject to regulation.
8-302. Definitions.
8-303. License required.
8-304. Limitations on issuance of licenses.
8-305. Limitations on number of licenses.
8-306. Bond of licenses.
8-307. Retailer's license.
8-308. Display of license.
8-309. Transfer of licenses restricted.
8-310. Expiration date of license.
8-311. Federal license; effect of.
8-312. Inspection fee.
8-313. Regulations for purchase and sale of intoxicating liquors.
8-314. Solicitation.
8-315. Regulation of retail sales.
8-316. Failure to pay inspection fee.
8-317. Inspection of books, etc.
8-318. Violation and penalty.
8-319. Deleted.

8-301. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this municipality except as provided by Tennessee Code Annotated, title 57, by rules and regulations promulgated thereunder, and as provided in this chapter. (as added by Ord. #14-27, Dec. 2014)

8-302. Definitions. Whenever used herein unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" 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, beer, or wine, where the latter two (2) contain an alcoholic content of eight percent (8%) by weight, or less.

(2) "License" means the license issued herein and "licensee" means any person to whom such license has been issued.

(3) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provisions herein.

(4) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.

(5) "Manufacturer" means and includes distiller, vintner and rectifier. "Manufacture" means and includes distilling, rectifying and operating a winery.

(6) "Wholesale sale" or "sale at wholesale" means a sale to any person for purposes of resale.

(7) "Wholesaler" means any person who sells at wholesale beverage for the sale of which a license is required under the provisions of Tennessee Code Annotated, §§ 57-3-101--57-3-110.

(8) Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural.

(9) The term "federal license" as used herein shall not mean tax receipt or permit. (as added by Ord. #14-27, Dec. 2014, as amended by Ord. #17-34, Dec. 2017)

8-303. License required. (1) Before any person or other legal entity (the "applicant") shall receive a license for the establishment of a retail liquor store, the applicant shall make application for a license for a specific location and be granted such license for such specific location by the board of mayor and aldermen as required by Tennessee Code Annotated, § 57-3-208. When the applicant which intends to obtain a liquor license is a legal entity owned, directly or indirectly, by a combination of persons and/or entities, the group of persons owning an interest, directly or indirectly, in the applicant is referred to herein as the "applicant group." The application for the license shall be filed with the city recorder along with a two hundred fifty dollar ($250.00) application fee giving the following information:

(a) The name, date of birth and street address of each person to have an interest, direct or indirect, in the retail liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the information herein required by the city;

(b) The name of the retail liquor store proposed;

(c) The address of the retail liquor store proposed and its zoning designation;

(d) Number of years applicant and persons in applicant group have been residents of the State of Tennessee;

(e) The name of the licensee and the address of other retail liquor stores in which an ownership interest is held by the applicant or any member of the applicant group identifying the applicant or group member holding each interest;

(f) Occupation or business and name and location of such business, of applicant and persons in applicant group and length of time engaged in such occupation or business;

(g) Whether or not the applicant or any persons in the applicant group has been convicted within the ten (10) year period immediately preceding the date of the application of any violation of any state or federal law or of any violation of any municipal ordinance (with the exception of minor traffic violations such as speeding or traffic signal violations, but not excepting alcohol related violations), and, if so, provide the details of such violation (i.e., charging entity, citation to and copy of law convicted of violating, copy of charge, etc.);

(h) If employed, the name and address of the employer;

(I) The name and address of the owner of the real property of the proposed location, together with a letter from such owner affirming either

(I) That the parties have reached a written agreement on the terms of a lease, or

(ii) That the parties have reached a written agreement on the terms of a sale of the premises to the applicant;

(j) The name of any person who will have any interest, direct or indirect, in the business of the applicant or in the profits thereof, and the nature and character thereof, and whether the person holds a wholesale or retail liquor license;

(k) The identity of the applicant(s) who will be in actual charge of the day-to-day operation of the business, and a certification that that individual has not been convicted of a felony within a ten (10) year period immediately preceding the date of the application, and if the applicant is a corporation the identity of the officer or employee who will be in actual charge of the day-to-day operations of the business and that such officer or employee has not been convicted of a felony within a ten (10) year period immediately preceding the date of the application;

(l) A statement that the persons receiving the requested license to the best of their knowledge if awarded the license could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of retail liquor stores in the city.

(2) Further documentation. (a) A written certification by the applicant that the premises of the proposed retail liquor store are in full and complete compliance with the distance requirements of this chapter; and, that the applicant bas taken steps to verify compliance with the distance requirements. To the extent that the applicant has documentation of such verification, or the process of verification, then applicant shall submit such documentation with the application.

(b) In the case where the applicant is a partnership, the application shall be accompanied by a copy of the partnership agreement and an indication of who are general partners and who are limited

partners, if any, and for each partner the profit sharing percentage in the partnership;

(c) In the case where the applicant is a corporation or limited liability company, the application shall be accompanied by a copy of the corporate charter or the operating agreement and a list of shareholders/members with their ownership percentage, a list of officers/managers and a list of names and addresses of directors.

(3) Signature. The application shall be signed and verified by each person to have any interest in the retail liquor store either as an owner, partner, stockholder or otherwise.

(4) Misrepresentation-concealment of fact-duty to amend. If any applicant, member of an applicant group, or licensee either intentionally or innocently misrepresents or conceals any material fact in any application form or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by the board. In addition, if an application submitted does not contain the information required by this chapter, it will not be deemed filed until all information has been submitted in writing. It shall be the duty of the applicant to determine and submit the information required.

(5) In issuing the required license for the licensing of liquor stores in the city permitted by this chapter, the board will consider all applications filed before a closing date to be fixed by it and select from such applications the persons deemed by it in its sole discretion to have qualifications required by law and the most suitable circumstances and location in consideration of the health, safety and welfare of the citizens of the city for the lawful operation of liquor stores without regard to the order of time in which the applications are filed. Such persons and only such persons so selected shall receive licenses issued by the city. (as added by Ord. #14-27, Dec. 2014)

8-304. Limitations on issuance of licenses. (1) No license shall be granted for the operation of a retail store for the sale of alcoholic beverages when, in the opinion of the board of mayor and aldermen, expressed by a majority thereof, the carrying on of such business at the premises covered by the application for a license would be closer than one hundred fifty feet (150') as measured from the main and principal front entrance of such business at such premises of licensee to the main and principal front entrance of a church, school, or library with the exception that there shall be no distance requirement between a permit location and any permitted use or use permitted as a special exception locations within the C-6, Town Center Commercial District; a retailer's license issued under this chapter shall not be valid except at the premises recited in the application, and any change of location of said business

shall be cause for immediate revocation of said, unless the location is approved by a majority of the board of mayor and aldermen.

(2) Pursuant to the authority contained in the Tennessee Code Annotated, § 57-3-406, no retail license shall be issued to any applicant for a new location that is within one thousand five hundred feet (1,500') of an existing operating establishment holding a license issued.

(3) No license shall be granted for the operation of a retail store for the sale of alcoholic beverages in a building structure that provides less than one thousand two hundred fifty (1,250) square feet of retail floor space.

(4) No license shall be granted for the operation of a retail store for the sale of alcoholic beverages on property not properly zoned for such use according to the White House Zoning Ordinance. (as added by Ord. #14-27, Dec. 2014, and amended by Ord. #18-16, June 2018 ***Ch18_12-19-19***)

8-305. Limitations on number of licenses. No more than three (3) licenses for the sale of alcoholic beverages shall be issued until such time the official census of the city's population is equal to or greater than twenty-four thousand (24,000). Thereafter, no more than one license for each twelve thousand (12,000) population for the sale of alcoholic beverages shall be issued under this chapter. Further, that the population limitations and restrictions as provided for above shall not be decreased unless, first, a public notice of such proposed change is published at least one (1) time fifteen (15) days before the first reading on such proposed amendment. (as added by Ord. #14-27, Dec. 2014, and amended by Ord. #25-01, March 2025 ***Ch21_04-17-25***)

8-306. Bond of licenses. Bonds required herein shall be executed by a surety company, duly authorized and qualified to do business in Tennessee; bonds of retailers shall be two thousand five hundred dollars ($2,500,00.00). Said bond shall be conditioned that the principal thereof shall pay any fine which may be assessed against such principal. (as added by Ord. #14-27, Dec. 2014)

8-307. Retailer's license. (1) No retailer shall be a person who has been convicted of a felony involving moral turpitude, within ten (10) years prior to the time he or the concern with which he is connected shall receive a license; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction; and in the case of any such conviction occurring after a license has been issued and received, the said license shall immediately be revoked, if such convicted felon be an individual licensee, and if not, the partnership, corporation or association with which he is connected shall immediately discharge him.

(2) No license shall under any condition be issued to any person who, within ten (10) years preceding application for such license or permit shall have

been convicted of any offense under the laws of the State of Tennessee or of any other state or of the United States prohibiting or regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling intoxicating liquors or who has, during said period, been engaged in business alone or with others, in violation of any of said laws or rules and regulations promulgated pursuant thereto. Any conviction of such offense could be reason for revocation of license.

(3) It shall be unlawful for any person to have ownership in, or participate, either directly or indirectly, in the profits of any retail business licensed, unless his interest in said business and the nature, extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of a license, unless it shall be fully disclosed and approved by the majority of the board of mayor and aldermen. Where such interests is owned by such person on or before the application for any license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if said interest is acquired after the issuance of the license, the burden of said disclosure of the acquisition of such interest shall be upon the seller and the purchaser.

(4) No retailer, or any employee thereof, engaged in the sale of alcoholic beverages shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer to employ any person under eighteen (18) years of age for the physical storage, sale, or distribution of alcoholic beverages, or to permit any such person under said age on its place of business to engage in the storage, sale or distribution of alcoholic beverages.

(5) No retailer shall employ in the storage, sale or distribution of alcoholic beverages, any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude, and in case an employee should be so convicted, he shall immediately be discharged; provided, however, that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.

(6) The issuance of a license docs not vest a property right in the licensee, but is a privilege subject to revocation or suspension according to this chapter.

(7) Misrepresentation of a material fact, or concealment of a material fact required to be shown in application for license shall be a violation of this chapter. (as added by Ord. #14-27, Dec. 2014)

8-308. <u>Display of license</u>. Persons granted a license to carry on the business or undertaking contemplated therein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license. (as added by Ord. #14-27, Dec. 2014)

8-309. Transfer of licenses restricted. The holder of a license may not sell, assign or transfer such license to any other person unless same is approved by a majority of the board of mayor and aldermen and the state commissioner and said license shall be good and valid only for the calendar year in which the same was issued. Provided, however, that licensees who are serving in the military force of the United States in the time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section. (as added by Ord. #14-27, Dec. 2014)

8-310. Expiration date of license. Licenses issued under this chapter shall expire at the end of each calendar year and, subject to the provisions of this chapter, may be renewed with a two hundred fifty dollar ($250.00) renewal fee by February 1st of each calendar year. (as added by Ord. #14-27, Dec. 2014)

8-311. Federal license; effect of. The possession of any federal license to sell alcoholic beverages without the corresponding requisite state license, shall in all cases be prima facie evidence that the holder of such federal license is selling alcoholic beverages in violation of the terms of this chapter. (as added by Ord. #14-27, Dec. 2014)

8-312. Inspection fee. There is hereby levied and imposed an inspection fee of five percent (5%) on all gross purchases of alcoholic beverages made by licensee under this chapter. The payment of said fee shall be accompanied by copies of all billings made to the licensee by all wholesalers or distributors for said calendar month on a form, prescribed by the finance director. Failure to pay said fee and make said report accurately within the time prescribed, at the sole discretion of the board of mayor and aldermen, be cause for revocation of said license. (as added by Ord. #14-27, Dec. 2014)

8-313. Regulations for purchase and sale of intoxicating liquors.

(1) It shall be unlawful for any person in this city to buy any alcoholic beverages herein defined from any person who does not hold the appropriate license under this chapter authorizing the sale of said beverages to him.

(2) No retailer shall purchase any alcoholic beverages from anyone other than a license wholesaler; nor shall any wholesaler sell any alcoholic beverages to anyone other than a licensed retailer.

(3) No alcoholic beverages shall be sold for consumption inside the establishment of a retail liquor store.

(4) The sale and delivery of alcoholic beverages shall be confined to the inside of the retail establishment of the licensee, and curb services is not permitted. (as added by Ord. #14-27, Dec. 2014)

8-314. Solicitation. No holder of a license issued shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or places of business of such consumer, nor shall any such license receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This paragraph shall not be construed so as to prohibit the solicitation by a state licensed wholesaler of an order from any licensed retailer at the licensed premises. (as added by Ord. #14-27, Dec. 2014)

8-315. Regulation of retail sales. (1) No retailer shall hold more than fifty percent (50%) of the licenses authorized for issuance in this municipality.

(2) No retailer shall sell, lend or give away any alcoholic beverages to any person who is known to be insane or mentally defective, or to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be a habitual user of narcotics or other habit forming drugs.

(3) No retailer shall sell, lend or give away any alcoholic beverages to a person under twenty-one (21) years of age.

(4) Package liquor store license holders shall follow the hours of sale of package liquor as regulated by the Tennessee Alcoholic Beverage Commission.

(5) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(6) No retailer as herein defined shall own, store or possess upon the licensed premises any unstamped merchandise required by the laws of Tennessee to have affixed thereto revenue stamps of said state. (as added by Ord. #14-27, Dec. 2014, and amended by Ord. #18-16, June 2018 ***Ch18_12-19-19***)

8-316. Failure to pay inspection fee. Whenever any person licensed hereunder fails to account for or pay over to the finance director any inspection fee, or defaults in any of the conditions of his bond, the finance director shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such inspection fee. (as added by Ord. #14-27, Dec. 2014)

8-317. Inspection of books, etc. The finance director is authorized to examine the books, papers and records of any dealer for the purpose of determining whether the provisions of this chapter are being complied with. The refusal to permit the examination of any such books, papers, and records, or the

investigation and examination of such premises, shall constitute, sufficient reason for the revocation of a license or the refusal to issue a license. (as added by Ord. #14-27, Dec. 2014)

8-318. <u>Violation and penalty</u>. Any violation of the terms of this chapter shall be punishable by a fine of not more than two thousand five hundred dollars ($2,500.00); and in the discretion of the board of mayor and aldermen may be cause for revocation of said license. (as added by Ord. #17-09, May 2017, and replaced by Ord. #18-27, Oct. 2018 ***Ch18_12-19-19***)

8-319. <u>Deleted</u>. (as added by Ord. #14-27, Dec. 2014, renumbered by Ord. #17-09, May 2017, and deleted by Ord. #18-27, Oct. 2018 ***Ch18_12-19-19***)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. CABLE TELEVISION.
6. SHORT-TERM RENTAL OPERATIONS.
7. MOBILE FOOD VENDORS.

CHAPTER 1

MISCELLANEOUS

SECTION

9-101. Restrictions on businesses having pinball machines, etc.

9-101. Restrictions on businesses having pinball machines, etc. No owner, operator, manager, or person in charge of any store, establishment, place of business, or otherwise shall allow any person to play or operate after the hour of eleven p.m. any pinball machine, miniature game, or any mechanical amusement machine or device which is so constructed that the result of its operation depends upon chance, or upon the skill of the operator, or upon both, whether made payable by mechanical device or otherwise.

No owner, operator, manager, or person in charge of any store, establishment, place of business, or otherwise shall allow any person under the age of eighteen (18) years to play or operate during regular school hours or after the hour of eleven p.m. any pinball machine, miniature game, or any mechanical amusement machine or device which is so constructed that the result of its operation depends upon chance, or upon the skill of the operator, or upon both, whether made payable by mechanical device or otherwise. (1979 Code, § 5-101)

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

CHAPTER 2

PEDDLERS, ETC.[1]

SECTION

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

9-201. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1979 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1979 Code, § 5-202)

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

(1) Name and physical description of applicant.

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

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

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

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

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

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

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

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

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

(10) At the time of filing the application, a fee of fifty dollars ($50.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1979 Code, § 5-203, as amended by Ord. #01-18, Oct. 2001)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1979 Code, § 5-204)

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

delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1979 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the city in the amount of one thousand dollars ($1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this city and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1979 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1979 Code, § 5-207)

9-208. Use of streets.[1] No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1979 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1979 Code, § 5-209)

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[1]Municipal code reference
Roadblocks by solicitor's, peddlers, etc.: § 16-113.

9-210. **Policemen to enforce**. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1979 Code, § 5-210)

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

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1979 Code, § 5-211)

9-212. **Reapplication**. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1979 Code, § 5-212)

9-213. **Expiration and renewal of permit**. Permits issued under the provisions of this chapter shall expire thirty (30) days from the date on the permit. Permits may be renewed by application and payment of a twenty-five dollar ($25.00) fee, provided information on application has not changed from original application. (1979 Code, § 5-213, as amended by Ord. #05-06, May 2005)

CHAPTER 3

CHARITABLE SOLICITORS[1]

SECTION

9-301. Permit required.
9-302. Prerequisites for a permit.
9-303. Denial of a permit.
9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1979 Code, § 5-301)

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

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

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

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

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

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1979 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1979 Code, § 5-303)

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[1]Municipal code reference
Roadblocks by solicitor's, peddlers, etc.: § 16-113.

9-304. <u>Exhibition of permit</u>. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1979 Code, § 5-304)

CHAPTER 4

TAXICABS[1]

SECTION

9-401. Definitions; taxicab franchise and privilege license required.
9-402. Requirements as to application and hearing.
9-403. Proof of financial responsibility required.
9-404. Revocation or suspension of franchise.
9-405. Mechanical condition of vehicles.
9-406. Cleanliness of vehicles.
9-407. Vehicles shall display company insignia.
9-408. Annual reporting and inspection of vehicles.
9-409. Renewal of franchise; discontinuance of operations.
9-410. License and permit required for drivers.
9-411. Qualifications for driver's permit.
9-412. Expiration and renewal of driver's permit.
9-413. Revocation or suspension of driver's permit.
9-414. Drivers not to solicit business.
9-415. Parking restricted.
9-416. Driver to use direct routes.
9-417. Taxicabs not to be used for illegal purposes.
9-418. Miscellaneous prohibited conduct by drivers.
9-419. Transportation of more than one passenger at the same time.
9-420. Compliance with provisions; violation and penalty.
9-421. Trip meters and schedule of rates.
9-422. Transfer of franchise.

9-401. Definitions; taxicab franchise and privilege license required. (1) Definitions. (a) "Operating within the corporate limits of the City of White House" shall mean the pick-up of passengers with point of origin within the corporate limits of the City of White House to a destination either within or outside the city limits or operating a base of operations, headquarters, dispatch operation, or coordination center which directs, assigns, schedules, or otherwise controls the operation of taxicabs from its location.

(b) "Taxicab" shall include any motor vehicle for hire operating under the definitions of Tennessee Code Annotated, § 65-15-102, designed or constructed to accommodate and transport not more than fifteen (15) passengers, exclusive of the driver, operating within the city's corporate

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

limits and suburban territory adjacent thereto and not operating on a fixed route or schedule. Includes airport limousines, limousines, sedans, and shuttles but excludes common carriers of more than fifteen (15) passengers and ridesharing pools as defined by Tennessee Code Annotated, § 65-19-202.

Excludes school and church vehicles used for transporting persons to or from school, religious education, church or religious services of any kind, upon special prearranged trips or excursions under the auspices of any religious or charitable organization.

(c) "Taxicab business" shall include the operation of one (1) or more taxicabs within the city limits of White House.

(2) It shall be unlawful for any person to engage in the taxicab business without a taxicab franchise from the city, a current business license and an effective privilege license.

(3) Persons owning more than one (1) taxicab business or operating a business under multiple names or identities must obtain a separate franchise, business, and privilege license for each listing, name or identity. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he/she has been convicted of a felony within the last ten (10) years. Applications for taxicab franchise shall be made under oath and in writing to the city recorder. The application shall include the following:

(1) Name and address of the applicant;

(2) Applicant's education history;

(3) Applicant's employment history;

(4) Name and address for the proposed place of business;

(5) Number of taxicabs the applicant desires to operate;

(6) The makes and models of said taxicabs;

(7) The name of the proposed taxicab franchise and the color scheme and insignia of the taxicab franchise;

(8) The names and addresses of two (2) residents of the City of White House who have known the applicant for a period of at least one (1) year and who will vouch for the sobriety, honesty and general character of the applicant; and

(9) Any such other pertinent information that may be required;

(10) A two hundred fifty dollar ($250.00) application fee in the form of a certified check or money order to the City of White House. Within thirty (30) business days after a receipt of an application the city recorder and chief of police shall make a thorough investigation of the applicant, including a criminal background check in accordance with Tennessee Code Annotated, § 6-54-128; determine if there is a public need for additional taxicab service; and present the application to the board of mayor and aldermen with a recommendation to

either grant or refuse a franchise to the applicant. The board of mayor and aldermen will hold a public hearing, at which time witnesses for and against the granting of the franchise shall be heard. The applicant must appear at this hearing.

In deciding whether or not to grant the franchise, the board of mayor and aldermen shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise, and whether zoning laws will allow the taxicab business in the requested location.

Franchises will be issued by the board of mayor and aldermen and shall be effective as of the date of issuance until midnight on August 31st of the year in which the franchise is issued. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-403. Proof of financial responsibility required. No taxicab franchise shall be issued or continue in operation unless there is in full force and effect proof of financial responsibility for each vehicle authorized in an amount in accordance with the minimum limits set forth by the law of the State of Tennessee for financial responsibility for owners and operators of motor vehicles (Tennessee Code Annotated, § 55-12-102). Such security shall insure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a taxicab franchisee, his employees or agents. Proof of financial responsibility shall be established in accordance with the laws of the State of Tennessee. Proof of financial responsibility and any changes shall be filed with the City Recorder's Office of the City of White House.

In addition, each franchisee shall be required to maintain liability insurance on all vehicles in the amount of one hundred thousand dollars ($100,000.00) per person and three hundred thousand dollars ($300,000.00) per incident. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-404. Revocation or suspension of franchise. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentation or false statements made in the application thereof for traffic violations, or for failure or refusal to comply with the provisions of this chapter by the taxicab franchisee or any taxicab driver driving a taxicab under his franchise. A taxicab franchise shall not be revoked or suspended unless the franchisee has received notice and has had an opportunity to present evidence on his or her behalf. The chief of police shall have the authority to summarily suspend the right of the franchisee to do business pending a hearing on revocation or suspension, upon a finding that the franchisee's continuing to do business in the interim constitutes an immediate

danger to the heath, safety and welfare of the citizens of White House. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, passenger seat belts, and rear mirror. All taxicabs shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. All vehicles shall also be equipped with a two-way radio or cellular telephone for communications between the taxicab and the taxicab company's base of operations. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-406. Cleanliness of vehicles. All taxicabs operated within the city shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-407. Vehicles shall display company insignia. All taxicabs operating under a franchise shall display the name of the taxicab franchise under which they are licensed as well as the company insignia and colors. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-408. Annual reporting and inspection of vehicles. (1) All taxicabs shall be inspected at least annually by an Automotive Service Excellence (ASE) certified technician. The owner/operator must present a completed city inspection form for each vehicle, signed by an ASE technician, indicating the vehicle complies with the requirements of this chapter with respect to mechanical condition, cleanliness, etc., and any federal or state law. The owner/operator shall also provide a copy of the technician's current ASE certification. If a new vehicle is added to the franchisee's fleet between the dates of annual inspection, then such vehicle shall not be placed into service until such inspection is performed and the vehicle passes.

(2) At the time of inspection of the taxicab the franchisee shall submit to the city recorder a report indicating the license plate of each taxicab operating under his/her franchise. The city recorder shall assign a number to each taxicab that passes inspection and shall distribute a window decal to the franchise that

shall be displayed on the lower left portion of the front windshield, indicating the taxicab has passed inspection.

(3) Inspections shall be completed annually on or before the 31st of August. Vehicles that do not pass inspection will be in violation of this section and may not operate within the city limits. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-409. Renewal of franchise; discontinuance of operations. Each franchise shall be issued for a period of one (1) year, or any part thereof, with all franchises expiring on August 31st of each year.

(1) A renewal franchise may be granted upon written request of any franchisee and the tender of a one hundred fifty dollar ($150.00) franchise renewal fee on or before August 31st shall be substituted in lieu thereof. Before any franchise may be renewed, the chief of police shall conduct a thorough background check in accordance with Tennessee Code Annotated, § 6-54-128. After the chief of police conducts an investigation, the franchisee may be recommended for renewal or denial of the franchise. This section does not relieve the franchise of the requirements of § 9-408.

(2) If a renewal application with franchise renewal fee is not timely received, then the franchise shall be subject to revocation by the board of mayor and aldermen, after public notice and hearing at its next regularly scheduled meeting.

(3) If a franchisee has discontinued operations for a period of greater than thirty (30) days during any period in which a valid franchise was in force, then the franchise shall be subject to revocation. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-410. License and permit required for drivers. (1) No person shall drive a taxicab without a valid Tennessee Class D license with an "F" endorsement (for hire) or CDL and a taxicab driver's permit issued by the city recorder.

(2) The taxicab driver's permit shall be displayed prominently and in full view of the passenger area, near the trip meter of the vehicle (if applicable), along with a photograph of the driver, not less than passport photo size, of a full front facial image of the driver, from the neck up. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-411. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he/she complies with the following:

(1) Makes a written application to the city recorder and pays an application fee of thirty-five dollars ($35.00) plus the cost of a current background check.

(2) Is at least eighteen (18) years of age and holds a valid Tennessee driver's license, with an "F" endorsement (for hire) or a CDL.

(3) Undergoes examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which may render him/her unfit for safe operation of a public vehicle.

(4) Is clean in dress and person and is not addicted to the use of intoxicating beverages or drugs.

(5) Produces letters of good character from two (2) reputable residents of the city who have known him/her personally and have observed his/her conduct for at least two (2) years preceding the date of application.

(6) Has not been convicted of a felony, driving under the influence of an intoxicant or drug, or of frequent traffic violations.

(7) Is familiar with the state and local traffic laws. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-412. Expiration and renewal of driver's permit. Each driver's permit shall be issued by the city recorder for a period of one (1) year or any part thereof. All permits issued shall expire on August 31st of each year. A permit or renewal permit for a one (1) year period (or any portion thereof) shall be issued upon the payment of thirty-five dollars ($35.00) plus the costs of a current background check unless the permit for the preceding year has been revoked or the applicant no longer meets the criteria required in this chapter. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-413. Revocation or suspension of driver's permit. The board of mayor and aldermen, after notice and hearing, may revoke or suspend any taxicab driver's permit for violations of traffic regulations, for violations of this chapter of when the driver ceases to possess the qualifications as prescribed in § 9-411. The chief of police shall have the authority to summarily suspend a driver's permit pending a hearing on revocation or suspension, upon finding that the driver's continuing to operate in the interim constitutes an immediate danger to the health, safety and welfare of the citizens of White House. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-414. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their taxicabs. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-415. Parking restricted. It shall be unlawful to park any taxicab in an area not designated for parking. Taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in a manner as not to unreasonably interfere with or obstruct other traffic and provided that passenger loading and discharging is promptly accomplished. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-416. Driver to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the shortest and most direct route available from point of pick-up to point of destination unless requested otherwise by the passenger. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-417. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business or purpose. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-418. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the city in any way. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-419. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such passenger. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-420. Compliance with provisions; violation and penalty.

(1) Every applicant granted a permit or franchise under this chapter shall comply with all City of White House, state and federal laws. Failure to do so may subject the permit to suspension or revocation by the board of mayor and aldermen.

(2) Failure to comply with any provision of this chapter shall be considered a violation for which a minimum fifty dollar ($50.00) civil penalty shall be assessed for each violation. Each day the violation exists shall constitute a separate violation. City police officers may inspect a taxicab for compliance with these provisions at any time and may cite the driver and/or franchise owner to the city court for violations.

(3) The court clerk shall communicate to the chief of police and city recorder, appearances by franchise owners and/or operators, the alleged violations for which they appear, and the disposition of the charges. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

9-421. Trip meters and schedule of rates. (1) Stops initiated by the driver or franchisee, other than for routine traffic congestion or in order to obey traffic control devices on the road, shall no be charged to the passenger(s) on the trip meter. Stops due to police initiated traffic stops shall not be charged nor shall breaks in service due to mechanical failure of the taxicab be charged to the passenger(s).

(2) Rates shall be reasonable in accordance with market demand and shall be clearly posted and at all time visible, next to the trip meter, if applicable. (as added by Ord. #09-21, Nov. 2009)

9-422. <u>Transfer of franchise</u>. No franchise shall be sold, transferred, or the legal ownership thereof modified in anyway without the prior consent of the board of mayor and aldermen. (as added by Ord. #09-21, Nov. 2009)

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise

9-501. To be furnished under franchise. Cable television shall be furnished to the City of White House and its inhabitants under franchise granted to Tele-Media Company of Green River, a Kentucky Limited Partnership by the board of mayor and aldermen of the City of White House, Tennessee. The rights, powers, duties and obligations of the City of White House and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.[1]

[1]For complete details relating to the cable television franchise agreement see ordinance no. 96-03 dated April 18, 1996 in the office of the city recorder.

CHAPTER 6

SHORT-TERM RENTAL OPERATIONS

SECTION

9-601. Permitting process.
9-602. Appeals process.

9-601. Permitting process. The planning and codes director shall review a use permit application for short term rental uses defined per the City of White House Zoning Ordinance only after the board of zoning appeals has reviewed and approved a special exception and applicable building and fire inspections are completed and approved and the owner has submitted a city business license for applicable hotel and motel taxes. The permit shall be valid for one (1) year and renewals shall not require additional review and approval by the board of zoning appeals unless determined by the board of zoning appeals as defined and included in the original approval motion. The permits are not permitted to be transferred to subsequent property owners and the permit approval does run with lhe property. The director shall issue the permit within two (2) weeks of the permit application submittal once the conditions of the approval process listed above are completed. Tennessee Code Annotated, §§ 13-7-601 through 13-7-606. (as added by Ord. #20-31, Dec. 2020 ***Ch19_01-20-22***)

9-602. Appeals process. Appeal of the director's decision shall he submitted and reviewed by the city's board of mayor and aldermen, The written appeal shall be submitted to the city recorder's office. All complaints with the short-term rentals uses and applicable property shall be reviewed, and administered through the city's municipal compliant process including initial written submittal to the city's police department. Per Tennessee Code Annotated, sections referenced above, the planning and codes director shall submit all requests to rescind permit approval to the board of mayor and aldermen when the property has three (3) or more separate violations of generally applicable local laws or if the applicant is not meeting the original permit conditions including any specific requirements defined by the board of zoning appeals in the special exception approval motion. The board of mayor and aldermen may act to rescind the permit approval. Appeals of the board of mayor and aldermen decision are defined in the above referenced Tennessee Code Annotated sections. (as added by Ord. #20-31, Dec. 2020 ***Ch19_01-20-22***)

CHAPTER 7

MOBILE FOOD VENDORS

SECTION

9-701. Purpose.
9-702. Definitions.
9-703. Permit required for engaging in mobile food vending.
9-704. General regulations.
9-705. Hours of operation.
9-706. Location of operations.
9-707. Enforcement.
9-708. Revocation of mobile food vendor vehicle permits.
9-709. Suspension of mobile food vendor vehicle permits.
9-710. Suspension terms.

9-701. Purpose. The city finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the city. This chapter recognizes the unique physical and operational characteristics of mobile food vending, establishes standards for mobile food vending operations and promotes practices that serve the health, safety and welfare of the public. (as added by Ord. #21-15, Aug. 2021 ***Ch19_01-20-22***)

9-702. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Canteen truck" is defined as a vehicle that operates to provide food services to workers at locations where access to such services is otherwise unavailable or impractical (e.g., a construction site); from which the operator sells food and beverages that require no on-site preparation or assembly other than heating of pre-cooked foods; and is not advertised in any form to the general public except by virtue of signage on the vehicle. Products sold from canteen trucks may include fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods and pre-packaged drinks.

(2) "Food trailer" is defined as a detached trailer that is equipped with facilities for preparation, cooking and selling various types of food and/or drink products.

(3) "Food truck" is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking, and selling various types of food and/or drink products other than exclusively ice cream and related frozen products.

(4) "Ice cream truck" is defined as a motor vehicle containing a commercial freezer from which a vendor sells only frozen, pre-packaged food

products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar frozen items.

(5) "Location" is defined as any single property parcel or any combination of contiguous parcels that are owned or controlled by a single entity or affiliated entities.

(6) "Mobile food vendor" is defined as any person selling food and/or drink from a mobile vehicle, including a canteen truck, food truck, food trailer, ice cream truck, or a non-motorized vehicle from which such products are sold.

(7) "Mobile food vendor vehicle" is defined as a vehicle that returns daily to its base of operations and is used either in the preparation or sale of food or drink products, or both.

(8) "Operate" is defined as to sell food, beverages, and other permitted items from a mobile food service vehicle and includes all tenses of the word.

(9) "Operator" is defined as any person operating or permitted to operate a mobile food vendor vehicle.

(10) "Permit administrator" is defined as a person designated by the city administrator to oversee the issuance, suspension and revocation of mobile food vendor permits.

(11) "Vehicle" is defined as every device in, upon or by which any person or property may be transported or drawn upon a street, including devices moved by human power. (as added by Ord. #21-15, Aug. 2021 ***Ch19_01-20-22***)

9-703. <u>Permit required for engaging in mobile food vending</u>.

(1) <u>Required</u>. The designated permit administrator shall oversee the issuance, suspension and revocation of mobile food vendor permits. No mobile food vendor vehicle may operate within the city without a mobile food vendor vehicle permit issued by the city. A mobile food vendor vehicle permit authorizes the holder only to engage in the vending of products from a mobile food vendor vehicle in compliance with this code and as specified on the permit. The permit must be prominently displayed when the mobile food vendor vehicle is in operation. This section shall not apply to contractual arrangements between a mobile food vendor vehicle operator and any individual, group or entity for pre-arranged catering at a specific location for a period of not more than four (4) hours, provided that the mobile food vendor vehicle is not open to or serving the general public.

(2) <u>Application</u>. (a) An application must be submitted for each mobile food vendor vehicle.

(b) Submittal of an application for an annual mobile food vendor vehicle permit must be accompanied by payment of an application fee in the amount of one hundred twenty dollars ($120.00) which will be prorated by month for the first year of the permit. Any day in the month where the permit is in place will require payment for that entire month. No refunds will be issued.

(c) Submittal of an application for a temporary mobile food vendor vehicle permit must be accompanied by payment of an application fee in the amount of fifty ($50.00). The temporary permit shall be valid only for a maximum consecutive three (3) day period. Temporary mobile food vendor vehicle permits can only be approved two (2) times during a calendar year.

(d) Submittal of an application for a City of White House and partnering non-profit organization special event will require no application fee or permit fee.

(3) Issuance. A mobile food vendor vehicle permit shall be issued upon verification that an application has been completed, except that no such permit will be issued to a mobile food vendor vehicle that has an expired or invalid vehicle registration, does not have proof of valid automobile liability insurance in an amount required by law for operation of the applicable mobile food vendor vehicle, does not have proof of a one million dollar ($1,000,000.00) general liability insurance policy naming the City of White House as an additional insured if planning to operate on city property, provide a copy of the business license, and proof of a valid vehicular operator's license. If the permit administrator denies the application, such denial shall be in writing and provided to the applicant within fifteen (15) days of receipt of the application.

(4) Expiration. All mobile food vendor vehicle permits shall expire on December 31 of each year. A mobile food vendor vehicle permit may be renewed for the next twelve (12) month period, provided that all applicable requirements are met and the permit is not currently suspended or has been revoked within the preceding twelve (12) months. The fee for renewal shall be the same as the application fee for a new mobile food vendor vehicle permit.

(5) Transferability. A mobile food vendor permit may be transferred to another vehicle owned by the mobile food vendor if the current vehicle permitted is taken out of service. The permit may also be transferred as part of the sale of a controlling interest in a business holding the permit or a sale of substantially all of the assets of a business holding the permit. The operator of the mobile food vendor vehicle shall notify the city within thirty (30) days of any transfer or sale to update information that has changed or prior to the vendor operating the mobile food vendor vehicle in the city. (as added by Ord. #21-15, Aug. 2021 ***Ch19_01-20-22***)

9-704. General regulations. (1) It is a violation to operate a mobile food vendor vehicle at any location in the City of White House except in compliance with the requirements of this chapter.

(2) Mobile food vendor vehicle operators must comply with all federal, state and local licensing and permitting regulations and all business tax, sales tax, and other tax requirements.

(3) Electricity. Any mobile food vendor vehicle shall not be attached to or use any temporary electrical pole or permanent electrical service.

(4) What can be sold. Mobile food vendors shall be limited to selling edibles and hot and cold beverages. Alcoholic beverages, except as may be specifically allowed by applicable state law and city ordinance shall not be sold. The sale of non-food or drink items from the mobile food vendor vehicle is not permitted.

(5) Litter receptacles. Each permitted mobile food vendor vehicle must maintain for customer use a litter receptacle of sufficient size to accept the litter being generated by the sales at the point of sales. The receptacle must be maintained in such a manner as to preclude an overflow of refuse. A pattern of leaving excessive litter caused by product packaging shall be basis for suspension or revocation of the mobile food vendor vehicle permit.

(6) Fire extinguishers and fire suppression systems. All mobile food vendor vehicles must be equipped with a fire extinguisher that is certified annually by a licensed company. Additionally, mobile food vendor vehicles that produce grease laden vapors (i.e. units with deep fat fryers or flat-top griddles) must have a current certified fire suppression system.

(7) Placement. Mobile food vendor vehicles shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers.

(8) Pedestrian only. Mobile food vendor vehicles shall serve pedestrians only; drive-through or drive-in services are hereby prohibited.

(9) Health regulations. All mobile food vendors and their mobile food vendor vehicles must be in compliance with all applicable health regulations for Robertson County, Sumner County, or both and the State of Tennessee relating to food safety and preparation.

(10) Noises. Other than ice cream vehicles being able to play a song associated with its business at a reasonable level of sound, no mobile food vendor vehicle shall sound any device which produces an offensive or load noise to attract customers. Public address system on the vehicle to broadcast and advertise products is prohibited.

(11) Support methods. No mobile food vendor vehicle may use stakes, rods or any other method of support that must be drilled, driven, or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks, or buildings.

(12) Spills. To prevent discharges into waterways, drainage systems or public sewer systems, each mobile food vendor vehicle shall comply with all stormwater and sewer regulations of the city. In addition, each vehicle shall have a spill response plan to contain and remediate any discharge from the vehicle.

(13) Signage. Signage for each mobile food vendor vehicle shall be limited to signs on the exterior or interior of the vehicle and one (1) sandwich board sign. All signs on the exterior of the vehicle shall be secured and shall not project more than six inches (6") from the vehicle. Sandwich board signs shall not exceed eight (8) square feet per side or forty-eight (48") inches in height and

shall not obstruct or impede pedestrian or vehicular traffic. (as added by Ord. #21-15, Aug. 2021 ***Ch19_01-20-22***)

9-705. Hours of operation. (1) Mobile food vendor operators may operate beginning at 8:00 A.M. and ending at 10:00 P.M. unless otherwise restricted by the operator's mobile food vendor permit. The city may permit extended hours of operation for City of White House and a partnering non-profit organization special event. At the end of each business day's operation, the mobile food vendor shall remove from the property the mobile food vendor vehicle and all materials associated with the business, unless participating in a city permitted special event that allows the overnight parking of mobile food vendor vehicles during the special event.

(2) Canteen trucks may operate beginning at 7:00 A.M. and ending at 6:00 P.M. unless otherwise restricted by the operator's mobile food vendor permit. A canteen truck shall not remain in the public right-of-way for more than one (1) hour during a day.

(3) Ice cream trucks may operate beginning at 9:00 A.M. and sunset as stated for that day for the City of White House area by the National Weather Service. Ice cream trucks may vend on public streets so long as they remain mobile and only make stops of fifteen (15) minutes or less at one (1) location. (as added by Ord. #21-15, Aug. 2021 ***Ch19_01-20-22***)

9-706. Location of operations. (1) All canteen, food and ice cream vehicles must follow these requirements for operating on private and public property within the City of White House.

(2) Private property. (a) Permission. All mobile vendors selling to the public from private property shall have the written permission of the property owner, which shall be made available to the inquiring city employee immediately upon request.

(b) Unimproved properties. Regardless of any agreement with the owner of the property, mobile food vendor vehicles may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "unimproved" if the parcel of property does not contain a building that may be occupied pursuant to applicable building codes.

(c) Maximum number of mobile food vendor vehicles on any parcel of private property is two (2) unless prior written approval by the city administrator is given for special events.

(d) No mobile food vendor vehicle shall operate within two hundred feet (200') of a door intended for regular public use of a lawfully established eating establishment that is open for business (other than another mobile food vendor vehicle).

(e) No mobile food vendor vehicle shall operate within fifty feet (50') of any property line of any lot used for residential purposes.

(f) Mobile food vendor vehicles shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.

(3) Public property. (a) Mobile food vendor vehicles may not operate on property owned by a public entity other than city property unless written permission has been given to operate on such public entity property.

(b) Mobile food vendor vehicles shall not operate as defined in § 9-702 on any public street, sidewalk, alley, trail or right-of-way or any city owned or controlled property, including, and not limited to, city parks without written approval from the parks and recreation director or the city administrator.

(c) Mobile food vendors given written permission to operate on city owned or controlled property, including, but not limited to city parks must comply with all rules, regulations and requirements related to any city approved special event, including, but not limited to, provision as to where mobile food vendor vehicles will be located, how long the mobile food vendors can be present at the location, and how many and which mobile food vendor vehicles can participate in the city approved special event. (as added by Ord. #21-15, Aug. 2021 ***Ch19_01-20-22***, and amended by Ord. #23-04, April 2023 ***Ch20_08-17-23***)

9-707. Enforcement. Each of the following circumstances constitute a violation of this chapter, for which a citation may be issued by a codes enforcement officer or police officer of the city:

(1) Operation of a mobile food vendor vehicle without a current, valid permit, provided further that each day and separate location at which a mobile food vendor vehicle is operated without a current, valid permit shall be considered a separate violation.

(2) Continuation of temporary mobile food vendor vehicle operations beyond the time period authorized by the permit.

(3) Failure to comply with any other provisions of this chapter. (as added by Ord. #21-15, Aug. 2021 ***Ch19_01-20-22***)

9-708. Revocation of mobile food vendor vehicle permits. The board of mayor and alderman shall have the power to revoke any mobile food vendor vehicle permit issued under the provisions of this chapter when the holder therof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. Revocation may be initiated by the permit administrator when four (4) violations of this chapter have occurred within a twelve (12) month period or has received three suspensions in two (2) years. (as added by Ord. #21-15, Aug. 2021 ***Ch19_01-20-22***)

9-709. Suspension of mobile food vendor vehicle permits. The permit administrator shall have the power to suspend any mobile food vendor vehicle permit if:

(1) The applicant for the permit knowingly provided false information on the application.

(2) Two (2) violations of this chapter have occurred within six (6) month period by the mobile food vendor vehicle operator and/or owner.

(3) The mobile food vendor vehicle operator fails to maintain a current, valid vehicle registration, vehicle operator license, health department permit, business license or proof of required motor vehicle insurance coverage. (as added by Ord. #21-15, Aug. 2021 ***Ch19_01-20-22***)

9-710. Suspension terms. Suspension terms are as follows:

(1) First violation: Two (2) month suspension and violation finding(s) corrected.

(2) Second violation in one (1) year: Four (4) month suspension and violation finding(s) corrected.

(3) Third violation in two (2) years: Six (6) month suspension and violation finding(s) corrected.

(4) Forth violation in two (2) years: Recommendation for revocation. (as added by Ord. #21-15, Aug. 2021 ***Ch19_01-20-22***)

TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION
10-101. Running at large prohibited.
10-102. Pen or enclosure to be kept clean.
10-103. Adequate food, water, and shelter, etc., to be provided.
10-104. Keeping in such manner as to become a nuisance prohibited.
10-105. Cruel treatment prohibited.
10-106. Seizure and disposition of animals.
10-107. Inspections of premises.
10-108. Duty of the court.
10-109. Improper care prohibited.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any dogs, cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1979 Code, § 3-101, as amended by Ord. #96-13, July 1996, and Ord. #14-26, Dec. 2014)

10-102. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1979 Code, § 3-103, as renumbered by Ord. #14-26, Dec. 2014)

10-103. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1979 Code, § 3-104, as renumbered by Ord. #14-26, Dec. 2014)

10-104. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (1979 Code, § 3-105, as renumbered by Ord. #14-26, Dec. 2014)

10-105. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1979 Code, § 3-106, as renumbered by Ord. #14-26, Dec. 2014)

10-106. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by an animal control officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1979 Code, § 3-107, as amended and renumbered by Ord. #14-26, Dec. 2014)

10-107. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, an animal control officer, or a police officer, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1979 Code, § 3-108, as amended and renumbered by Ord. #14-26, Dec. 2014)

10-108. Duty of the court. Fines imposed and costs assessed for violations of this chapter which are not paid within thirty (30) days of the judgment shall be collected in the same manner and with the same fees as judgments of the General Sessions Courts of Tennessee, including, by not limited to, garnishment of wages and attachment of bank accounts.

Further, upon conviction of a pet owner of a third separate offense of allowing the same animal to run at large, the city judge shall have the authority to order the animal impounded. In the event of such impoundment, the owner must request a hearing before the city judge within thirty (30) days of

impoundment to determine whether the pet should be returned to the owner. If no hearing is requested, or if at the hearing the owner fails to convince the city judge of future compliance with this chapter, the impounded pet may become available for adoption. (as added by Ord. #97-05, June 1997, as renumbered by Ord. #14-26, Dec. 2014)

10-109. Improper care prohibited. All animal(s) or pet(s) that are kept outdoors that are subject to weather conditions must have access to barn, doghouse, or other shelter. This shelter must be so constructed to protect the animal(s) from the heat and cold weather conditions (weatherproof). The shelter must be large enough for the animal(s) to stand up and turn around in.

In the winter months this shelter must be lined with dry hay, straw, wood chips, or carpet to help keep the animal(s) warm. The door or opening should have some type of covering such as burlap, rubber, or heavy gauge plastic to protect animal(s) from cold winds.

In the summer months or hot conditions animal(s) or pet(s) must have access to shade during all daylight hours.

During all times of the year, animal(s) or pet(s) must have access to a quantity of clean and fresh water at all times to meet the animal(s) needs. Snow or ice is not adequate water source. (as added by Ord. #07-29, Sept. 2007, as renumbered by Ord. #14-26, Dec. 2014)

CHAPTER 2

DOGS

SECTION

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

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1979 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1979 Code, § 3-202)

10-203. Running at large prohibited.[1] It shall be unlawful for any person to permit any dog owned by him or under his control to run at large within the corporate limits. A dog is at large when it is free, unrestrained and not under the control of its master and, to come and go at will. (1979 Code, § 3-203, as amended by ord. 96-06, May 1996)

10-204. Vicious dogs. (1) Definitions.

(a) A "vicious" dog as the term is used in this section means:

(i) Any dog which attacks a human and thereby causes death or serious injury; or

(ii) Any dog which attacks a human being or a domestic animal on two or more occasions without provocations; or

(b) A vicious dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in subsection (2) hereof. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom

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

secured to the sides, the sides must be imbedded in the ground not less than two (2) feet.

(2) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(3) No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled, except that a vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the codes administrator.

(4) Violations and penalties. Whoever violates the provisions of this section shall be guilty of a misdemeanor and fined not more than five hundred dollars ($500.00) and costs. In conformance with Tennessee Code Annotated, section 44-17-120, any dog which attacks a human being and thereby causes death or serious injury may be destroyed upon the order of the Judge of the Circuit Court of Sumner or Robertson Counties or a judge of a court having proper or concurrent jurisdiction. Such orders shall be granted on the petition of the District Attorney for Sumner and Robertson Counties. The petition shall name the owner of the dog, and the owner shall be given notice as in civil cases, that if he does not appear before the court within five (5) days of the receipt thereof and show cause why the dog should not be destroyed. In addition, any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or board and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(5) Should the complaining party, law enforcement officer, or city official determine the dog should be destroyed and plan to request the district attorney to take such action, notice that said dog should be declared a vicious dog shall be given to the owner or person who has had custody of the dog, if known, and the alleged victim by certified mail, return receipt requested, or by delivery by an officer to the premises, said mailing or delivery date to be within three (3) working days of the impoundment or incarceration of the dog.

(6) At said hearing, the judge shall hear testimony and receive evidence from the interested parties and shall have the discretion to find the declaration of being a vicious dog to be unwarranted, to declare said dog to be a vicious dog and humanely destroyed in accordance with T.C.A. 44-17-120 and other applicable provisions of the Tennessee Code Annotated, or to declare such dog to be a vicious dog used for the protection of property and place such restrictions and conditions on the continued possession of the dog in addition to those set forth hereinabove to include (a) establish location of the dog's residence, to include removal of the dog from the City of White House; (b) photo identification or permanent marking of the dog for purposes of identification.

(7) If the dog is declared by the judge to be a vicious dog used for the protection of property, the dog may be redeemed with said conditions of possession after three (3) working days have transpired, if no appeal is timely filed. The dog shall in no event be eligible for adoption.

(8) If the dog is redeemed and the dog thereafter is allowed to run at large or, without, provocation, attacks and bites any human, the dog shall be impounded. Notice as provided hereinabove shall be given to the owner or custodian of the dog in the event the District Attorney for Sumner or Robertson Counties files a petition with the Circuit Court for Sumner or Robertson Counties or another court having proper jurisdiction. If said dog has run at large, said dog, has without provocation, attacked and bitten a human, or said dog has been trained for participation in dog fights, pursuant to Tennessee Code Annotated section 39-14-203, or if the conditions of possession have been violated or the dog is found to have engaged in any of the activities listed above, the dog may be ordered by the circuit court to be humanely put to death by the shelter after three (3) working days have transpired, if no appeal is timely filed. If the findings are otherwise, the dog shall be eligible for redemption with the conditions previously attached to the possession of said dog. Upon a timely appeal, a hearing shall be held and a decision rendered on the issues listed above.

(9) Any owner of a vicious dog kept for the protection of property who sells or otherwise transfers ownership, custody or residence of said dog shall, within ten (10) days thereof, inform, in writing, the codes administrator of the name, address and telephone number of the new owner or custodian and state that the new owner has received a copy of the decision finding the dog to be a vicious dog used to protect property with the conditions for continued possession therein.

(10) Any dog which has been declared a vicious dog by the city, county or state, shall be subject to the provisions of this chapter for the remainder of its life, and any owner of any dog declared to be a vicious dog in any other municipality, county or state shall, within ten (10) days of moving into the City of White House, notify the codes administrator of the bringing of such dog into the City of White House. (1979 Code, § 3-204, as amended by Ord. #96-06, May 1996)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. No person shall own, keep or harbor more than two (2) dogs outside the home which causes a nuisance and is within 500 feet of any residence or business. (1979 Code, § 3-205, as amended by Ord. #96-06, May 1996)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any

reason suspected of being infected with rabies, the animal control officer or chief of police may cause such dog to be confined or isolated for such time as he reasonably deems necessary to determine if such dog is rabid. (1979 Code, § 3-206, as amended by Ord. #14-26, Dec. 2014)

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

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the animal control officer or any policeman.[1] (1979 Code, § 3-207, as amended by Ord. #14-26, Dec. 2014)

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[1]State law reference

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

TITLE 11

MUNICIPAL OFFENSES[1]

CHAPTER

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

CHAPTER 1

ALCOHOL[2]

SECTION

11-101. Drinking beer, etc., on streets, etc.
11-102. [Deleted.]
11-103. Alcoholic beverages or illegal drugs prohibited.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor within a vehicle, in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1979 Code, § 10-229, as amended by Ord. #09-13, Aug. 2009)

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

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

11-102. [Deleted.] (1979 Code, § 10-222, modified, as deleted by Ord. #06-40, Nov. 2006)

11-103. Alcoholic beverages or illegal drugs prohibited. All alcoholic beverages and illegal drugs are hereby prohibited on all property owned, leased, and in any way controlled by the City of White House. (as added by Ord. #04-10, Aug. 2004)

CHAPTER 2

DELETED

(This chapter was deleted by Ord. #14-01, Feb. 2014)

CHAPTER 3

DELETED

(This chapter was deleted by Ord. #02-30, Nov. 2002)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.
11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1979 Code, § 10-202)

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 persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) 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.

(e) 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.

(f) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 9:00 P.M., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from a 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 9:00 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 9:00 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.

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

(h) 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.

(i) Fireworks. The discharging of fireworks shall be prohibited anywhere within the city limits of White House between the hours of 10:00 P.M. and 10:00 A.M. On July 4th of each year the hours prohibited begin at 11:00 P.M. On December 31st of each year the hours prohibited begin at 1:00 A.M. (January 1st). Events sponsored by the City of White House or special events approved by the mayor and board of aldermen are exempt from these restrictions.

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

(a) Municipal vehicles. Any vehicle of the municipality 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 municipality, the

county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1979 Code, § 10-233, as amended by Ord. #14-17, Aug. 2014, Ord. #18-03, Feb. 2018, and Ord. #22-15, Dec. 2022 ***Ch20_08-17-23***)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. [Deleted.]
11-502. Impersonating a government officer or employee.
11-503. False emergency alarms.
11-504. [Deleted.]

11-501. [Deleted.] (1979 Code, § 10-209, as deleted by Ord. #02-30, Nov. 2002)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the municipality 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 municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1979 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1979 Code, § 10-217)

11-504. [Deleted.] (1979 Code, § 10-210, as deleted by Ord. #02-30, Nov. 2002)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.
11-602. Throwing missiles.
11-603. Discharge of firearms.

11-601. Air rifles, etc. It shall be unlawful for any person in the municipality 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. (1979 Code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person to throw maliciously any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1979 Code, § 10-214)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1979 Code, § 10-212, modified)

CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-701. Trespassing.
11-702. [Deleted.]
11-703. Interference with traffic.

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1979 Code, § 10-226)

11-702. [Deleted.] (1979 Code, § 10-225, as deleted by Ord. #02-30, Nov. 2002)

11-703. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1979 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

11-801. Abandoned refrigerators, etc.
11-802. Caves, wells, cisterns, etc.
11-803. Posting notices and distribution of literature.
11-804. [Deleted.]
11-805. Wearing masks.
11-806. Skate boards.
11-807. Loitering during school hours.

11-801. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1979 Code, § 10-223)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1979 Code, § 10-231)

11-803. Posting notices and distribution of literature. No person shall fasten, in any way or distribute, in any way any show-card, poster, flyer, leaflet, banner or any other written material or advertising or other advertising device upon any public or private property unless legally authorized to do so. (1979 Code, § 10-227)

11-804. [Deleted.] (1979 Code, § 10-224, as deleted by Ord. #02-30, Nov. 2002)

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

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

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

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

(4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1979 Code, § 10-235)

11-806. Skate boards. It shall be unlawful for any person to ride on or operate a skate board on or in any public way or place. (1979 Code, § 10-236)

11-807. Loitering during school hours. A child who has not reached his eighteenth (18) birthday, and being subject to the state compulsory attendance law, Tennessee Code Annotated, section 49-6-3001, shall not loiter, idle, wander or play in or upon the public streets, highways, alleys, parks or other public places, buildings, business, places of amusement and entertainment, vacant lots or other unsupervised places during those hours he/she is required to be in school under the state compulsory school attendance law. Further, no child shall be taken into custody for violation of this section until an investigation with the proper school officials has been made to determine if the child is required to be in school.

No parent, guardian or other adult person who has been delegated the care and custody of such child under the age of eighteen, shall knowingly permit such child to violate the provisions of this section. A parent, guardian or other persons who has been delegated the care or custody of such child found to be in violation of this section shall be held punishable as authorized by law. (as added by Ord. #96-21, Oct. 1996)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. RESIDENTIAL CODE.
6. INTERNATIONAL ENERGY CODE.
7. PROPERTY MAINTENANCE CODE.
8. [DELETED.]
9. MECHANICAL CODE.
10. HANDICAPPED CODE.

CHAPTER 1

BUILDING CODE[1]

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code[2], 2018 edition, including Appendixes B, C, E, F, and G as prepared and adopted by the International Code Council, is hereby adopted

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

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

and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1979 Code, § 4-101, modified, as amended by Ord. #02-29, Nov. 2002, Ord. #04-11, Aug. 2004, Ord. #08-19, Sept. 2008, Ord. #15-28, Dec. 2015, and Ord. #22-01, March 2022 ***Ch20_08-17-23***)

12-102. Modifications. 1. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. Permit fees shall be determined by a fee schedule adopted by the board of mayor and aldermen.

(2) 2018 International Building Code, Chapter 27, Section 2701 General, Item 2701.1 Scope shall be amended:

2701.1 Scope. This chapter governs the electrical components, equipment, and systems in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the State of Tennessee's current adopted electrical code. (1979 Code, § 4-102, as amended by Ord. #04-18, Nov. 2004, Ord. #08-19, Sept. 2008, Ord. #15-28, Dec. 2015, and Ord. #22-01, March 2022 ***Ch20_08-17-23***)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-103, modified)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1979 Code, § 4-104)

CHAPTER 2

PLUMBING CODE[1]

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the International Plumbing Code,[2] 2018 edition, including Appendixes B-E as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1979 Code, § 4-201, modified, as amended by Ord. #02-29, Nov. 2002, Ord. #04-11, Aug. 2004, Ord. #08-19, Sept. 2008, Ord. #15-28, Dec. 2015, and Ord. #22-01, March 2022 ***Ch20_08-17-23***)

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

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (1979 Code, § 4-202)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has

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

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

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-203, modified)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1979 Code, § 4-204)

CHAPTER 3

ELECTRICAL CODE[1]

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,[2] 2002 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1979 Code, § 4-301, modified, as amended by Ord. #02-29, Nov. 2002)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1979 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1979 Code, § 4-304)

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

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

12-305. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1979 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1979 Code, § 4-306)

CHAPTER 4

GAS CODE[1]

SECTION

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

12-401. Gas code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 and 6-54-502 and for the purpose of regulating gas installations and maintenance, within and without the municipality. This being done to secure interests of public safety, health and general welfare. The International Fuel Gas Code, 2018[2] edition including all appendixes, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code, and is hereinafter referred to as the gas code. (1979 Code, § 4-801, modified, as amended by Ord. #02-29, Nov. 2002, Ord. #04-11, Aug. 2004, Ord. #08-19, Sept. 2009, Ord. #15-28, Dec. 2015, and Ord. #22-01, March 2022 ***Ch20_08-17-23***)

12-402. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator", it shall be deemed to be a reference to the board of mayor and aldermen of the city. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the gas code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. The recommended schedule of permit fees set forth in Appendix "B" of the gas code shall be followed. (1979 Code, § 4-802)

12-403. Available in the city recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-803)

12-404. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the code as herein adopted by reference and modified. (1979 Code, § 4-804)

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[1]Municipal code reference
Gas system administration: title 19, chapter 1.

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

CHAPTER 5

RESIDENTIAL CODE

SECTION

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

12-501. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Residential Code,[1] 2018 edition, including Appendix G, Swimming Pools, Spas, and Hot Tubs. Excluding chapter 11 Energy Efficiency and replacing International Residential Code 2009 edition, chapter 11 Energy Efficiency 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. (1979 Code, § 4-401, modified, as amended by Ord. #02-29, Nov. 2002, Ord. #04-11, Aug. 2004, Ord. #08-19, Sept. 2008, Ord. #15-28, Dec. 2015, Ord. #22-02, April 2022 ***Ch20_08-17-23***, and Ord. #23-14, Oct. 2023 ***Ch21_04-17-25***)

12-502. Modifications. (1) Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen. Section 108 of the housing code is deleted.

(2) The 2018 International Residential Code adoption does not include the following chapters. The electrical code shall be the State of Tennessee's current adopted electrical code.

2018 International Residential Code, Part VIII Electrical, Chapter 34, General Requirements, Chapter 35 Electrical Definitions, Chapter 36 Services, Chapter 37 Branch Circuit and Feeder Requirements, Chapter 38 Wiring Methods, Chapter 39 Power and Lighting Distribution, Chapter 40 Devices and Luminaries, Chapter 41 Appliance Installation, Chapter 42 Swimming Pools, and Chapter 43 Remote-Control Signaling and Power-Limited Circuits.

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

(3) International Energy Conservation Code (IECC), 2018 edition, published by the ICC, except that:

(a) Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.

(b) Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.

(c) Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.4 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC. (1979 Code, § 4-402, as amended by Ord. #08-19, Sept. 2008, Ord. #15-28, Dec. 2015, Ord. #22-02, April 2022 ***Ch20_08-17-23***, and Ord. #23-14, Oct. 2023 ***Ch21_04-17-25***)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-403, modified)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. (1979 Code, § 4-404)

CHAPTER 6

INTERNATIONAL ENERGY CODE

SECTION

12-601. Adoption of code.
12-602. Designated official to enforce provisions

12-601. Adoption of code. The International Energy Conservation Code,[1] 2018 edition including the appendix is hereby adopted by reference as though it was copied herein, except that

(a) Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.

(b) Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.

(c) Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.4 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC. (1979 Code, § 4-901, as replaced by Ord. #04-11, Aug. 2004, and amended by Ord. #08-19, Sept. 2008, Ord. #15-28, Dec. 2015, and Ord. #23-14, Oct. 2023 ***Ch21_04-17-25***)

12-602. Designated official to enforce provisions. Within said codes, when reference is made to the duties of a certain official named therein, that designated official of the City of White House who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (1979 Code, § 4-902)

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

CHAPTER 7

PROPERTY MAINTENANCE CODE[1]

SECTION

12-701. Property maintenance code adopted.
12-702. Modifications.
12-703. Deleted.
12-704. Appeals.

12-701. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, the International Property Maintenance Code,[2] 2018 edition, is hereby adopted and incorporated by reference as part of this code and is hereafter referred to as the property maintenance code. (1979 Code, § 4-501, as amended by Ord. #02-29, Nov. 2002, replaced by Ord. #04-11, Aug. 2004, and amended by Ord. #08-19, Sept. 2008, Ord. #15-28, Dec. 2015, and Ord. #22-01, March 2022 ***Ch20_08-17-23***)

12-702. Modifications. Wherever the term "Administrative Authority" is used in the code it shall be deemed to be the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the swimming pool code. The recommended schedule of permit fees as set forth in Appendix "B" of the building code. Provided however, that the minimum fee for an inspection shall be $5.00. (1979 Code, § 4-502)

12-703. Deleted. (1979 Code, § 4-503, as deleted by implication by Ord. #04-11, Aug. 2004)

12-704. Appeals. The board of adjustments and appeals or other similar appeals board referenced and/or required by the adopted codes and/or standards shall be construed to be the City of White House Board of Adjustments and Appeals. (1979 Code, § 4-504)

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[1]Municipal code references

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

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

CHAPTER 8

[DELETED]

(as deleted by Ord. #08-19, Sept. 2008)

CHAPTER 9

MECHANICAL CODE[1]

SECTION

12-901. Mechanical code adopted.
12-902. Modifications.
12-903. Available in recorder's office.
12-904. Violations.

12-901. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516 and for the purpose of regulating mechanical installations and maintenance, within and without the municipality. This being done to secure the interest of public safety, health and general welfare. The International Mechanical Code,[2] 2018 edition, including all appendixes, 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 mechanical code. (1979 Code, § 4-701, modified, as amended by Ord. #02-29, Nov. 2002, Ord. #04-11, Aug. 2004, Ord. #08-19, Sept. 2008, Ord. #15-28, Dec. 2015, and Ord. #22-01, March 2022 ***Ch20_08-17-23***)

12-902. Modifications. Whenever the mechanical code refers to the "Chief Appointing Authority" or the "Chief Administrator", it shall be deemed to be a reference to the board of mayor and aldermen of the city. When the "Building Official" or "Director of Public Works" is named, it shall, for the purpose of the mechanical code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. The recommended schedule of permit fees set forth in Appendix "B" of the mechanical code shall be followed. (1979 Code, § 4-702)

12-903. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-703)

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

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

12-904. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. (1979 Code, § 4-704)

CHAPTER 10

HANDICAPPED CODE

SECTION

12-1001. Adoption of handicapped code.

12-1001. Adoption of handicapped code. Adoption of 2009 ANSI A1171.1 (2009): Accessible and Usable Buildings and Facilities. (as added by Ord. #04-11, Aug. 2004, and amended by Ord. #06-23, June 2006, and replaced by Ord. #15-28, Dec. 2015)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER
1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED AND DISCARDED VEHICLES.
4. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Health officer.
13-102. Smoke, soot, cinders, etc.
13-103. Stagnant water.
13-104. Overgrown and dirty lots.
13-105. Dead animals.
13-106. Health and sanitation nuisances.
13-107. House trailers.
13-108. Weeds and grass.

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1979 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1979 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1979 Code, § 8-106)

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

13-104. Overgrown and dirty lots. (1) Prohibition. 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 accumulations 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) General requirements. Weeds and other similar regulated vegetation which has attained the height of twelve inches (12") or more shall be presumed to be detrimental to the public health and therefore a public nuisance. Such vegetation shall be controlled on property as set forth below:

(a) The entire area of any lot, parcel or tract containing two (2) acres or less.

(b) The entire area of any right-of-way between any lot, parcel or tract and the pavement of a public street. No weeds or other growth shall be permitted on corner lots which may cause a reduction in traffic visibility at intersections.

(c) Within twenty-five feet (25') on any building on any lot, parcel, or tract containing more than two (2) acres.

(d) Within twenty-five feet (25') of an adjacent property line at the request of the owner, regardless of acreage.

(e) Two (2) or more contiguous lots shall be treated as one (1) lot by this section.

(i) Nothing in this chapter shall preclude the use of a parcel for agricultural purposes such as gardens, compost piles, orchards, vineyards, silage, or specific domesticated plants, which normally tend to exceed twelve inches (12"). In addition, nothing herein shall preclude the use of a parcel as a natural wooded area or the maintenance of natural screening provided that the health, safety, and welfare not be impaired.

(ii) Nothing in this section shall prevent the open storage of items of inventory within a fenced area of any commercial or industrial activity such as lumber in a lumberyard, unless otherwise limited; nor shall this section prevent the open storage of building materials on an active construction site. Firewood stacked in an orderly manner shall not be considered a violation of this chapter provided it does not constitute a fire or health hazard. (1979 Code, § 8-107, as replaced by Ord. #01-12, June 2001, and amended by Ord. #02-26, Oct. 2002, Ord. #13-08, Oct. 2013, Ord. #15-26, Dec. 2015, and Ord. #22-16, Dec. 2022 ***Ch20_08-17-23***)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1979 Code, § 8-108)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1979 Code, § 8-109)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1979 Code, § 8-104)

13-108. 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 representative chosen by the mayor or administrator to cut such vegetation when it has reached a height of twelve (12) inches. (as added by Ord. #02-26, Oct. 2002)

CHAPTER 2

JUNKYARDS

SECTION

13-201. Junkyards.

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

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1979 Code, § 8-110)

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[1]State law reference

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

CHAPTER 3

ABANDONED AND DISCARDED VEHICLES

SECTION

13-301. Definitions.
13-302. Abandoning prohibited.
13-303. Leaving nonoperating junked vehicle on street prohibited.
13-304. Location or presence of inoperative, or abandoned vehicles, or unlicensed vehicles within city deemed public nuisance; exceptions.
13-305. Deleted.

13-301. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) "Abandoned vehicle" shall mean any vehicle or part thereof which is left unattended on public or private property for more than thirty (30) days, or a vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

(2) Inoperable or inoperative as applied to vehicles, shall mean any vehicle that is not roadworthy if designed to be driven on public streets; or any vehicle that cannot be moved under its own power if designed to be moved under its own power, or a vehicle designed to be towed or hauled that is not safe and roadworthy for a towing or hauling, or vehicle parts that are not assembled so as to comprise a complete vehicle. Conditions that would render a vehicle not roadworthy would include damage or disrepair of such that it cannot be moved, steered, and stopped as designed, or a condition of the vehicle such that it cannot be operated in compliance with applicable traffic laws. Vehicle damage that is of a purely aesthetic nature would not, apart from other conditions, constitute an inoperable vehicle.

(3) "Property" shall mean any property within the city which is not a street highway or public right-of-way.

(4) "Vehicle" shall mean 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 person or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, and wagons.

(5) Unlicensed, as applied to vehicles, shall mean a vehicle with expired license plates or a vehicle without other lawfully required registration that is currently valid. (As added by Ord. #00-20, Sept. 2000, and amended by Ord. #02-25, Oct. 2002)

13-302. Abandoning prohibited. No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city, for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (As added by Ord. #00-20, Sept. 2000)

13-303. Leaving nonoperating junked vehicle on street prohibited. No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street, alley or highway within the city, or on any public right-of-way. (As added by Ord. #00-20, Sept. 2000)

13-304. Location or presence of inoperative, or abandoned vehicles, or unlicensed vehicles within city deemed public nuisance; exceptions. The location or presence of any inoperable, or abandoned, or unlicensed vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of White House shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning their vehicle or vehicles on the property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon their own real property; provided that this section shall not apply to sub-sections (1), (2), (3).

(1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or other business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise;

(3) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or other governmental authority. (As added by Ord. #00-20, Sept. 2000, and amended by Ord. #01-12, June 2001, and Ord. #02-25, Oct. 2002)

13-305. Deleted. (as added by Ord. #02-25, Oct. 2002, and deleted by Ord. #22-16, Dec. 2022 ***Ch20_08-17-23***)

CHAPTER 4

ENFORCEMENT

SECTION

13-401. Designation of public officer or department.
13-402. Notice to property owner.
13-403. Issuance of citation.
13-404. Failure to appear.
13-405. Failure to comply.

13-401. Designation of public officer or department. The mayor or administrator shall designate an appropriate department or person to enforce the provisions of this section. (as added by Ord. #22-16, Dec. 2022 ***Ch20_08-17-23)***

13-402. Notice to property owner. It shall be the duty of the department or person so designated to enforce this section to serve notice upon the owner of record in violation of title 13, a notice in plain language to remedy the condition within five (5) days excluding Saturdays, Sundays, and legal holidays. The notice shall state the date of violation, the violation to be remedied and the date the violation must be remedied. The notice shall include a copy of chapter 4, Enforcement. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. When an attempt at notification by United States mail fails or no valid last known address exists for the owner of record, the municipality may publish the notice in a newspaper of general circulation in the county where the property sits for no less than two (2) consecutive issues or personally deliver the notice to the owner of record. For purposes of this section, such publication shall constitute receipt of notice effective on the date of the second publication of the notice and personal delivery shall constitute receipt of notice immediately upon delivery. (as added by Ord. #22-16, Dec. 2022 ***Ch20_08-17-23)***

13-403. Issuance of citation. The designated public officer or department shall issue a citation to appear before the judge of the White House Municipal Court upon failure to remedy the property maintenance regulation within the required time in § 13-402. (as added by Ord. #22-16, Dec. 2022 ***Ch20_08-17-23)***

13-404. Failure to appear. If the cited property owner fails to appear before the White House Municipal Court at the time, date, and location as indicated on the citation the judge may cause fine and other sanctions as allowed by law. (as added by Ord. #22-16, Dec. 2022 ***Ch20_08-17-23)***

13-405. <u>Failure to comply</u>. If the property owner does not remedy the violation as required in the notice of violation, fails to appear per § 13-404, or fails to comply with a court order the city may take action to remedy the violation at the expense of the owner. 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. (as added by Ord. #22-16, Dec. 2022 ***Ch20_08-17-23)***

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOME PARKS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor or a person designated by the mayor and an alderman selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for three (3) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The additional two (2) members appointed shall be appointed for terms of two (2) and three (3) years respectively, and thereafter those members shall serve for terms of three (3) years. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. The absence of any member from three consecutive meetings without leave except when such absence is made necessary by sickness or other similar causes, ruled as emergency in nature will declare the seat of such member vacant by the chairman. (1979 Code, § 11-101; as replaced by Ord. #05-01, Feb. 2005, and amended by Ord. #14-29, Dec. 2014)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1979 Code, § 11-102)

14-103. <u>Additional powers</u>. The municipal planning commission shall have the powers granted by state law relating to planning commissions. (1979 Code, § 11-103, as amended by Ord. #21-12, July 2021 ***Ch19_01-20-22***)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of White House shall be governed by Ordinance Number 95-10, titled "Zoning Ordinance, White House, Tennessee," and any amendments thereto.[1]

[1]Ordinance #95-10, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

MOBILE HOME PARKS

SECTION

14-301. Definitions of terms.
14-302. Permits.
14-303. Environmental, open space, and access requirements.
14-304. Service building and other community service facilities.
14-305. Refuse handling.
14-306. Insect and rodent control.
14-307. Fuel supply and storage.
14-308. Fire protection.
14-309. Miscellaneous requirements.

14-301. Definitions of terms. As used in the sections of this chapter, the following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Driveway" means a minor private way used by vehicles and pedestrians on a mobile home lot or used for common access to a small group of lots or facilities.

(2) "Health authority" means the State Department of Health.

(3) "License" means a written license issued by the health authority allowing a person to operate and maintain a mobile home park under the provisions of this chapter and regulations issued hereunder.

(4) "Mobile home" means a manufactured, transportable, single-family, dwelling unit suitable for year-round occupancy and containing water supply, waste disposal, and electrical conveniences.

(5) "Mobile home lot" means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

(6) "Mobile home park" means a contiguous parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association or corporation.

(7) "Mobile home stand" means that part of an individual lot which has been reserved for the placement of one mobile home unit.

(8) "Park management" means the person who owns or has charge, care, or control of the mobile home park.

(9) "Park street" means a private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

(10) "Permit" means a written permit or certification issued by the health authority (or for a building permit) permitting the construction, alteration, and extension of a mobile home park under the provisions of this chapter and regulations issued hereunder.

(11) "Person" means any individual, firm, trust, partnership, public or private association or corporation.

(12) "Service building" means a structure housing a toilet, lavatory, and such other facilities as may be required by this chapter.

(13) "Sewer connection" means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.

(14) "Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

(15) "Water connection" means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

(16) "Water riser pipe" means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot. (1979 Code, § 5-401)

14-302. Permits. It shall be unlawful for any person to construct, alter, or extend any mobile home park within White House, Tennessee, unless he holds a valid permit issued by the health authority and a building permit issued by the building commissioner in the name of such person for the specific construction, alteration, or extension proposed.

All applications for permits shall contain the following:

(1) Name and address of applicant.

(2) Location and legal description of the mobile home park.

(3) Complete engineering plans and specifications of the proposed park including, but not limited to, the following:

(a) The area and dimensions of the tract of land.

(b) The number, location, and size of all mobile home lots.

(c) The location and width of roadways and walkways.

(d) The location of water and sewer lines and riser pipes.

(e) Plans and specifications of the water supply and refuse and sewage disposal facilities.

(f) Plans and specifications of all buildings constructed or to be constructed within the mobile home park.

(g) The location and details of lighting and electrical systems.

(h) Topography and drainage ways with contour lines at five-foot intervals.

(i) A location map showing the park site in relation to the existing public street pattern and indication of the uses of property adjacent to the site and the location of all buildings within two hundred feet of the site. (1979 Code, § 5-402)

14-303. Environmental, open space, and access requirements.

(1) Land area. The site shall comprise a single tract. The minimum area of the tract shall be three (3) acres, but the entire tract shall not be required to be developed at one time.

(2) Minimum width. Portions of the site used for general vehicular entrances and exits only . . . . . 50 feet.

Portions of the site containing mobile home stands and buildings open generally to occupants . . . . . 100 feet.

(3) Site conditions. Conditions of soil, ground, water level, drainage, and topography shall not create hazards to property or to the health or safety of the park occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screening, or other solid material, or protected with vegetative growth that is capable of preventing soil erosion and elimination of objectionable dust.

(4) Location. The site shall abut a public street with a minimum pavement width of 24 feet. No permanent residential structure shall be located within the site.

(5) External yards. The yard and setback requirements of every mobile home park shall be those applying generally to the zoning district in which such park is located.

(6) Design standards. (a) Site planning -- general. Site improvements shall be harmoniously and efficiently organized in relation to each other, to the shape of the tract, and to topography, with full regard to use and appearance. Site planning which conforms to terrain, existing trees, and other natural features is preferred.

(b) Roadways. Design. Roadways shall be designed to provide convenient circulation and access to mobile home spaces and to facilities for common use by park occupants. Roadways shall recognize existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems. Where feasible, all intersections shall be at right angles.

Right-of-way widths. The minimum required right-of-way widths for roadways in relation to pavement widths shall be as follows:

Pavement Width	Right-of-way Width
12 feet	30 feet
18 feet	40 feet
24 feet	50 feet
27 feet	50 feet
30 feet	55 feet

34 feet	60 feet
36 feet	60 feet

Minimum right-of-way width for entrance streets shall be 50 feet.

Grades. Grades on roadways shall not exceed ten per cent (10%).

(c) Access to exterior streets. Entrances and exits to the park shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. Access points shall be subject to the following limitations.

Width of access points.

One-way access points:

Minimum width . . . . . 15 feet
Maximum width . . . . . 25 feet

Two-way access points:

Minimum width . . . . . 30 feet
Maximum width . . . . . 40 feet

Minimum distance between access points along street frontage. Minimum distance between access points shall be 200 feet.

Minimum distance between an access point and intersection. A point of access shall not be permitted within eighty (80) feet of the curb line (or street line when there is no curb) of any public street intersection.

Access points in relation to street frontage. On sites with less than one hundred (100) feet of street frontage, there shall be only one point of access; on sites with less than four hundred (400) feet of street frontage, there shall be not more than two (2) points of access.

(d) Mobile home lots. Dimensions for trailer coach lots are regulated by the Tennessee Department of Health. (See "Regulations Governing Trailer Courts in Tennessee," Regulation 3.) The following standards are in accordance with state regulations applicable for mobile homes.

Minimum required depth of each lot . . . . . 100 feet
Minimum required width of each lot . . . . . 50 feet
Minimum width of yards on the lot . . . . . 10 feet

(e) Automobile storage. Parking spaces shall be provided at the rate of at least one and one-half (1 1/2) spaces for each mobile home lot.

(f) Required recreation areas. In all parks, there shall be one or more recreation areas which shall be easily accessible to all park residents.

The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot. No outdoor recreation areas shall contain less than 4,000 square feet.

Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

(7) Required improvements--roadways. (a) Construction and maintenance. Roadways shall have an improved wearing surface constructed on a compact base. Specifications for roadways shall be the same as the roadway specifications contained in the White House Regional Planning Commission Subdivision Regulations to which reference is hereby made and which are incorporated herein by reference.

(b) Pavement widths. Roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

Minor roadways

One-way:

With no parking	12 feet
With parking on one side	18 feet
With parking on both sides	24 feet

Two-way:

With no parking	24 feet
With parking on one side	27 feet
With parking on both sides	36 feet

Collector roadways

One or two-way:

With no parking	27 feet
With parking on one side	30 feet
With parking on both sides	36 feet

Turn-around at end of dead end. Closed ends of dead-end roadways shall be provided with a paved vehicular turn-around at least one hundred (100) feet in diameter for dead-end roadways along which more than 12 spaces front per side.

(c) Walks. General requirements. All parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is

concentrated. Such common walks shall have a minimum width of three and one-half feet.

Individual walks. All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum of two feet.

(8) Mobile home stands. The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning. The mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure.

(9) Landscape treatment. Landscape treatment appropriate for use and location shall be required to the extent needed to provide a suitable setting for mobile homes and other facilities within the court. Screening is to be installed where necessary in relation to potentially undesirable views such as laundry yards, refuse collection points, and nonresidential uses. Fences or free-standing walls shall be substantially constructed to withstand conditions of soil, weather, and use. Flora shall be hardy and planted so as to thrive with normal maintenance.

(10) Utilities. Every mobile home park shall be serviced with public water and sanitary sewerage facilities, as approved by the health authority. Where public sanitary sewerage facilities are not available a private sewerage package system will be permitted if approved by the planning commission and health authority. (1979 Code, § 5-403)

14-304. Service building and other community service facilities.

(1) General. The requirements of this section shall apply to service buildings, recreation buildings and other community facilities such as:

(a) Management offices, repair shops and storage areas.

(b) Sanitary facilities.

(c) Laundry facilities.

(d) Indoor recreation areas.

(2) Required community sanitary facilities. Every park in which overnight stopping is permitted shall be provided with the following sanitary facilities: There shall be one flush toilet and one lavatory for each sex. The building containing such sanitary facilities shall be accessible to all mobile homes.

(3) Structural requirements for buildings. (a) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

(b) All rooms containing sanitary or laundry facilities shall:

Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.

Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten per cent (10%) of floor area served by them.

Have at least devices which will adequately ventilate the room.

(c) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

(d) Illumination levels shall be maintained as follows:

General seeing tasks--five footcandles

Laundry room work area--40 footcandles

Toilet room, in front of mirrors--40 footcandles.

(e) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

(f) All structures, gas, plumbing, and electrical installations shall conform to all applicable codes and regulations governing such systems.

(4) Cooking shelters, barbecue pits, and fireplaces. Cooking shelters, barbecue pits, and fireplaces, if used, shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. (1979 Code, § 5-404)

14-305. Refuse handling. (1) The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(2) All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse, and shall be provided by the tenant.

(3) Refuse collection stands shall be provided by the park management for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

(4) All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

(5) Where municipal or private disposal service is not available, the mobile home park operator shall transport the refuse to a disposal site approved by the health authority. (1979 Code, § 5-405)

14-306. Insect and rodent control. (1) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.

(2) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(3) Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least one foot above the ground.

(4) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(5) The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description. (1979 Code, § 5-406)

14-307. Fuel supply and storage. (1) Gas system. (a) All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

(b) Liquified petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 2 or more than 200 U. S. gallons gross capacity.

(c) No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any structure, unless such installations are approved by the health authority.

(2) Fuel oil supply systems. (a) All fuel oil supply systems, if fuel oil is used, shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(b) All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.

(c) All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home exit.

(d) Storage tanks located in areas subject to traffic shall be protected against physical damage. (1979 Code, § 5-407)

14-308. Fire protection. (1) Mobile home parks shall be kept free of litter, rubbish, and other flammable materials.

(2) Portable fire extinguishers rated for Classes B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 2 pounds.

(3) Fires shall be made only in equipment intended for such purposes.

(4) Fire hydrants shall be installed in accordance with the following requirements:

The water supply system shall permit the operation of a minimum of two 1--inch hose streams.

Each of two nozzles held four feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.

Fire hydrants shall be located within 300 feet of any mobile home, service building, or other structure in the park. An approved hose house shall be located adjacent to each fire hydrant and shall contain and provide storage for not less than 300 feet of approved 1--inch fire hose equipped with approved couplings and nozzles. (1979 Code, § 5-408)

14-309. Miscellaneous requirements. (1) Responsibilities of park management. (a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.

(b) The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

(c) The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.

(d) The park management shall maintain a register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.

(e) The park management shall notify the health authority immediately of any suspected communicable or contagious disease within the park.

(2) Responsibilities of park occupants. (a) The park occupant shall comply with all applicable requirements of this chapter and shall maintain his mobile home lot, its facilities, and equipment in good repair and in a clean and sanitary condition.

(b) The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

(c) Pets, if permitted in the park, shall be prohibited to run at large or to commit any nuisance within the limits of any mobile home lot.

(d) Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

The storage area shall be provided with a base of impervious material.

Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

The storage area shall be enclosed by skirting.

(e) The park occupant shall store and dispose of all his rubbish and garbage in a clean, sanitary, and safe manner. The garbage container shall be rodentproof, insectproof, and watertight.

(f) First aid fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition. (1979 Code, § 5-409)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER

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

CHAPTER 1

MISCELLANEOUS[2]

SECTION

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

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[1]Municipal code reference

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

[2]State law references

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

15-113. Fleeing or attempting to elude a police officer.
15-114. Driving through funerals or other processions.
15-115. Clinging to vehicles in motion.
15-116. Riding on outside of vehicles.
15-117. Backing vehicles.
15-118. Projections from the rear of vehicles.
15-119. Causing unnecessary noise.
15-120. Vehicles and operators to be licensed.
15-121. Passing.
15-122. Damaging pavements.
15-123. Bicycle riders, etc.
15-124. Compliance with financial responsibility law required.

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. (1979 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. (1979 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1979 Code, § 9-107)

15-104. Careless driving. Every person operating a vehicle upon the streets within the City of White House shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and use of these streets and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this chapter. (1979 Code, § 9-108)

15-105. 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. (1979 Code, § 9-109)

15-106. 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 municipality 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. (1979 Code, § 9-110)

15-107. 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. (1979 Code, § 9-111)

15-108. 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. (1979 Code, § 9-112)

15-109. 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 municipality unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1979 Code, § 9-113)

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[1]Municipal code references

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

15-110. 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,[1] and shall be uniform as to type and location throughout the city. (1979 Code, § 9-114, as amended by Ord. #02-31, Nov. 2002)

15-111. 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 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. (1979 Code, § 9-115)

15-112. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1979 Code, § 9-116)

15-113. Fleeing or attempting to elude a police officer. Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light and siren. (1979 Code, § 9-117)

15-114. 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. (1979 Code, § 9-118)

15-115. 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. (1979 Code, § 9-120)

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

15-116. 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. (1979 Code, § 9-121)

15-117. 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. (1979 Code, § 9-122)

15-118. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1979 Code, § 9-123)

15-119. 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. (1979 Code, § 9-124)

15-120. 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." (1979 Code, § 9-125)

15-121. 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. (1979 Code, § 9-126)

15-122. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1979 Code, § 9-119)

15-123. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

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

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

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

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the

operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1979 Code, § 9-127)

15-124. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars ($50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #02-07, April 2002)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

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

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1979 Code, § 9-102)

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1979 Code, § 9-103)

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[1]Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1979 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1979 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

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

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1979 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1979 Code, § 9-202)

15-303. In school zones. Pursuant to Tennessee Code Annotated, § 55-8-153, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than twenty (20) 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.

The governing body shall authorize the city's chief of police to annually set the actual times in which warning signals will flash within school zones, but shall not exceed forty-five (45) minutes prior to the opening of school, nor forty-five (45) minutes after the closing of a school. These times shall be established no later than July 15th of each calendar year and published in a newspaper of local circulation and on the city's website. Any person who shall exceed twenty (20) miles per hour within the zone while warning lights are in operation, and children are actually going to school or leaving school, shall be prima facie and guilty of reckless driving. (1979 Code, § 9-203, as amended by Ord. #02-32, Nov. 2002, and Ord. #04-16, Nov. 2004)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1979 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.
15-405. U-turns.
15-406. Improper turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.[1] (1979 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1979 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1979 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1979 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1979 Code, § 9-305)

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

15-406. Improper turns. No person operating a motor vehicle shall make any turning movement to avoid a traffic signal. (as added by Ord. 99-03, March 1999)

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. Upon approach of authorized emergency vehicles.[1] Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1979 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1979 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1979 Code, § 9-403)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately

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

before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1979 Code, § 9-405)

15-505. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1979 Code, § 9-406)

15-506. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

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

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that 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 will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the 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.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but

shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

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

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1979 Code, § 9-407)

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

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

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (1979 Code, § 9-408)

15-508. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,[1] except in an emergency. (1979 Code, § 9-409)

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[1]State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

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

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

Except as hereinafter provided, every vehicle parked upon a street within this municipality 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 municipality 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. (1979 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality 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. (1979 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1979 Code, § 9-503)

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

(1) On a sidewalk.

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

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

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

(5) Within a pedestrian crosswalk.

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

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

(8) Alongside any curb painted yellow or red by the municipality. (1979 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1979 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any occupied or 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. (1979 Code, § 9-506, as amended by Ord. #98-23, Nov. 1998)

CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Use of driver's license in lieu of bail.
15-704. Illegal parking.
15-705. Impoundment of vehicles.
15-706. Disposal of abandoned motor vehicles.
15-707. Violation and penalty.
15-708. Adoption of state traffic statues.

15-701. Issuance of traffic citations.[1] When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1979 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1979 Code, § 9-602)

15-703. Use of driver's license in lieu of bail. (1) Pursuant to Tennessee Code Annotated, §§ 55-50-801 through 55-50-805, whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic, except driving under the influence of an intoxicant or narcotic drug or leaving the scene of an accident, said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in

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

lieu of any other security required for his appearance in the city court in answer to any such charge before said court.

(2) All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated, §§ 55-50-801 through 55-50-805, and any implementing orders of the Department of Safety, State of Tennessee. (1979 Code, § 9-603)

15-704. Illegal parking. Whenever any motor vehicle with or without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1979 Code, § 9-604, modified, as amended by Ord. #98-23, Nov. 1998)

15-705. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be ten dollars ($10.00) plus the towing fee and the storage cost shall be twenty-five dollars ($25.00) for each twenty-four (24) hour period or fraction thereof the vehicle is stored. (1979 Code, § 9-605, as amended by Ord. #98-23, Nov. 1998, and Ord. #10-15, Sept. 2010)

15-706. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1979 Code, § 9-606)

15-707. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars ($50.00) for each separate offense.

(2) Parking citations. Any person receiving such a citation may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars ($3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after

ten (10) days but before a warrant for his arrest is issued, his fine shall be five dollars ($5.00). (1979 Code, § 9-604, modified)

15-708. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302, the City of White House hereby adopts by reference as if fully set in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the City of White House adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, § 55-8-199, §§ 55-9-601 through 55-9-606,§ 55-10-301, and § 55-12-139 by reference as if fully set forth in this section. (as added by Ord. #06-09, Feb. 2006, replaced by Ord. #06-32, Sept. 2006, and amended by Ord. #17-20, July 2017)

TITLE 16

STREETS AND SIDEWALKS, ETC[1]

CHAPTER
1. MISCELLANEOUS.
2. STREET, SIDEWALK AND DRAINAGE DESIGN STANDARDS.

CHAPTER 1

MISCELLANEOUS

SECTION
16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-107. Littering streets, alleys, or sidewalks prohibited.
16-108. Obstruction of drainage ditches.
16-109. Abutting occupants to keep sidewalks clean, etc.
16-110. Parades, etc., regulated.
16-111. Animals and vehicles on sidewalks.
16-112. Fires in streets, etc.
16-113. Roadblocks for solicitations.
16-114. Deleted.

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.

No person shall park any motor vehicle licensed and/or primarily used for commercial purposes and having a gross vehicular weight in excess of 8,000 pounds on a public street within a residential or commercial zoning district, for any period longer than when actively engaged in the loading or unloading of goods, wares, or merchandise. Excluded from this provision are emergency service vehicles, vehicles used for the transportation of passengers, and construction vehicles when lawfully permitted by the City of White House Police Department.

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

No person shall park any truck or motor vehicle of more than 18,000 pounds gross weight, or any trailer, semi-trailer, or motor coach, whether or whether not attached to a tractor, on any street from 6:00 P.M. to 6:00 A.M.; except this section shall not apply to trucks, trailers or semi trailers so parked while actually engaged in loading or unloading, or in performing a service, including moving vans and vehicles needed for construction purposes at the adjoining property. (1979 Code, § 12-101, as amended by Ord. #04-13, Sept. 2004)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1979 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on 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. (1979 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.[1] (1979 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1979 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1979 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere

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

with the use of such public ways and places for their intended purposes. (1979 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1979 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1979 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1979 Code, § 12-110)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1979 Code, § 12-111)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1979 Code, § 12-112)

16-113. Roadblocks for solicitations. It shall be unlawful for any person and/or organization, to use, occupy, or obstruct any portion of any public street, street-right-of-way, alley, or sidewalk in order to slow or stop vehicular traffic for the purpose of soliciting donations or contributions, or selling merchandise, or any other similar purpose. The police department is hereby empowered to enforce this provision. (1979 Code, § 12-113, as amended by Ord. #97-13, Oct. 1997)

16-114. Deleted. (1979 Code, § 12-114, as amended by Ord. #07-01, Feb. 2007 ***Chang18_12-19-19***, and deleted by Ord. #18-28, Oct. 2018 ***Ch18_12-19-19***)

CHAPTER 2

STREET, SIDEWALK AND DRAINAGE DESIGN STANDARDS

SECTION

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16-201. Purpose. This document describes transportation design requirements that present a comprehensive approach to designing new, and modified, streets within the City of White House (hereinafter referred to as "city"). These requirements will provide better streets throughout the city, reflecting best practices and providing more capacity with safe and comfortable travel for motorists, pedestrians, bicyclists, and transit riders. However, many streets have also come to symbolize the growing pains that can accompany growth and prosperity, with increased congestion in some portions of the city. Therefore, these street design guidelines have been developed in response to three (3) basic issues:

(1) The city needs to plan for continued growth and development

(2) The people that reside in the city want quality streets with good traffic flow.

(3) The city recognizes the connection between land use and street design. (1979 Code, § 12-201, as amended by Ord. #07-01, Feb. 2007, and replaced by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-202. Applicability. These specifications shall apply to any person, developer, firm, business, or entity interested in, constructing additional streets, extending existing streets, or to do any other type of right-of-way (R-O-W) construction; such as curb cuts, that may affect the public and private streets within the city. These specifications are intended to apply to new streets within new development areas, and generally shall apply to existing streets, which is to include remedial work such as widening or rehabilitation of the existing streets as required. Design of streets, structures and associated elements such as traffic signals, signing, and lighting shall be sensitive to the character of the surrounding area and the impacts on historic resources. By adhering to the principles set forth in this document, negative impact from growth and development will be reduced, thus preserving the community's quality of life, health, safety and welfare. (1979 Code, § 12-202, as amended by Ord. #07-01, Feb. 2007, and replaced by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-203. Jurisdiction/regulations. Except as may otherwise be required by law, these rules and regulations govern the construction of streets and all associated improvements and appurtenances that shall be installed

within the street system of the City of White House, Robertson County and Sumner County, Tennessee, and shall apply to all areas within the jurisdiction of the city. (1979 Code, § 12-203, as replaced by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-204. General. The City of White House Public Services Department will approve all plans for construction and the upgrading of streets or roads in the city street index which shall include:

(1) New construction;

(2) Staged development of roadways (overlays);

(3) Roadway widening;

(4) Appurtenant roadway improvements such as storm drains and curb and gutter;

(5) Encroachments.

To be eligible for acceptance into the city street index, a street or road must be designed and constructed in accordance with these standards and approved by the public services director. (1979 Code, § 12-204, as amended by Ord. #07-01, Feb. 2007, and replaced by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-205. Standards, specifications, and resources. This document is the result of cooperation of many departments within the city. The following publications will be referred to in these specifications.

(1) "ADA Standards for Accessible Design," latest edition;

(2) "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO);

(3) "American Society for Testing and Materials Standards (ASTM), D2321 & D2774," latest edition;

(4) "AWWA Standards," latest edition, American Water Works Association.

(5) "Bridge Standards Manual," AASHTO;

(6) "Erosion and Sediment Control Handbook," latest edition, Tennessee Department of Environment and Conservation (TDEC);

(7) "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT $\leq$ 400)" AASHTO;

(8) "Guidelines for Urban Major Street Design, a Recommended Practice," Institute of Transportation Engineers (ITE);

(9) "International Municipal Signal Association (IMSA) Wire and Cable Specifications Manual," latest edition; "International Building Code," latest edition; International Code Council (ICC);

(10) International Code Council (ICC);

(11) "Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways," latest edition;

(12) U.S. Department of Transportation, Federal Highway Administration (FHWA);

(13) "National Electric Code," (NFPA 70), latest edition;

(14) The Tennessee Department of Transportation (TOOT), "Standard Specifications for Road and Bridge Construction," latest edition, technical specifications only, shall apply and become a part of these specifications whenever these specifications do not adequately cover the work to be done. In the event of a conflict between these and TDOT specifications, the City of White House Public Services specifications shall govern, unless the construction is on a state route.

(15) 'The Tennessee Department of Transportation; Survey Manual";

(16) "Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals (AASHTO-LT).

In the event of a conflict between this document and the aforementioned referenced specifications, the specifications contained in this document shall govern. (1979 Code, § 12-205, as replaced by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-206. <u>Definitions</u>. (1) "AASHTO." American Association of State Highway and Transportation Officials.

(2) "Approach." The portion of an intersection leg which is used by traffic approaching the intersection.

(3) "Army Corps of Engineers." Provides engineering services as a government agency as it relates to civil engineering projects.

(4) "ASTM." American Society for Testing and Materials.

(5) "Average Daily Traffic (ADT)." The total bi-directional volume of traffic passing through a given point during a given time period (in whole days), divided by the number of days in that time period.

(6) "AWWA." American Water Works Association.

(7) "Board of mayor and alderman." Elected board of local citizens responsible for decision making related to growth and development within the city.

(8) "Capacity." The maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform segment of a lane or roadway during a given time period under prevailing traffic, roadway and control conditions.

(9) "CEMC." Cumberland Electric Membership Corporation.

(10) "City." The City of White House, Tennessee.

(11) "City administrator." City official appointed by the board of mayor and alderman and responsible for overseeing all administrative tasks necessary for city operations.

(12) "City standards and specifications." Those standards prescribed for the construction of streets, sidewalks, driveway access points, curb and gutter set out in the subdivision regulations.

(13) Crosswalk. (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway, and in the absence of a

sidewalk on one (1) side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the centerline;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface. (MUTCD)

(14) "Cycle length." The time required for one complete sequence of signal indications. (MUTCD)

(15) "Detector." A sensing device used for determining the presence or passage of vehicles or pedestrians. (MUTCD)

(16) "Developer." A site planner or sub-divider.

(17) "Development or development plan." Any site plan or subdivision.

(18) "Director of public services." City official responsible for directing and overseeing construction, maintenance, traffic control and storm water implementation for improvements of city streets.

(19) "Engineer." A licensed professional engineer employed by the city or a duly authorized representative serving to direct and oversee engineering design, coordination and implementation of private and city capital improvements as well as public safety and welfare.

(20) "FHWA." Federal Highway Administration.

(21) "Flow line." The transition point between the gutter and the face of the curb. For a valley curb it is the center of the pan. Where no curb exists, the flow line will be considered the edge of the traveled way.

(22) "IMSA." International Municipal Signal Association, Inc.

(23) "Intersection." (a) The area embraced within the prolongation or connection of the lateral curb lines, or if none, the lateral boundary lines of the roadways of two (2) highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways that join at any other angle may come into conflict;

(b) The junction of an alley or driveway with a roadway or highway shall not constitute and intersection. (MUTCD)

(24) "ITE." Institute of Traffic Engineers.

(25) "Land disturbance permit." Permit issued by the City of White House Public Services Department that allows the contractor to begin grading work.

(26) "Major street." A street normally carrying the higher volume of vehicular traffic. (MUTCD)

(27) "NFPA." National Fire Protection Agency.

(28) "NCHRP." National Cooperative Highway Research Program.

(29) "Pavement markings." All lines, words or symbols, except signs officially placed within the roadway or parking area to regulate, warn or guide traffic.

(30) "Peak-hour volume." Hourly traffic volume used for roadway design and capacity analysis, usually occurring during one (1) or more peak travel hours during a twenty-four (24) hour period.

(31) "Pedestrian." People who travel on foot or who use assistive devices, such as wheelchairs, for mobility.

(32) "Planning and codes director. City official responsible for directing the enforcement and interpretations of the provisions of national and local building codes.

(33) "Prescriptive easement." An easement claimed by the city upon an owner's real property by continuous, uninterrupted, open, visible, and exclusive use of the land for a period of twenty (20) years or more with the true owner's knowledge and acquiescence.

(34) "R-O-W, (ROW)." An interest in land to the city which provides for the perpetual right and privilege of the city and its agents, franchise holders, successors, and assigns to construct, install, improve, repair, maintain, and use a public street, including related and customary uses of street R-O-W such as sidewalk, bike path, landscaping, traffic control devices and signage, sanitary sewer, storm water drainage devices, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the R-O-W. The city is authorized to remove, and keep removed from the R-O-W all trees, vegetation, and other obstructions as is determined to be necessary by the city to maintain, repair, and protect facilities located in the R-O-W.

(35) "Roadway." See definition of street.

(36) "Sidewalk." Any public or private pedestrian or bicycle walkway or path.

(37) "Signal phasing." The right-of-way, yellow change, and red clearance intervals in a cycle that are assigned to an independent traffic movement or combination of movements. (MUTCD)

(38) "Signal timing." The amount of time allocated for the display of a signal indication. (MUTCD)

(39) "Signal warrant." A threshold condition that, if found to be satisfied as part of an engineering study, shall result in analysis of other traffic conditions or factors to determine whether a traffic control signal or other improvement is justified. (MUTCD)

(40) "State route." An arterial highway designated and signed with a route number, which is primarily funded for construction and administered by TDOT. Improvements and maintenance of state routes is under the jurisdiction of TDOT.

(41) "Storm water permit." If approaches to handling storm water are not standard or specified in the storm water ordinance, a storm water permit may need to be applied for by the contractor/developer.

(42) "Street." A public or private roadway, but is not considered a driveway access point.

(43) "Subdivision regulations." Documents initiated by the City of White House to establish guidelines for subdivision plans.

(44) "TIA." Traffic Impact Analysis.

(45) "Tennessee Department of Environment and Conservation (TDEC). A regulatory board that monitors pollution.

(46) "Traffic control signal (traffic signal)." Any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed. (MUTCD)

(47) "Traffic sign." A device mounted on a fixed or movable support conveying a message or symbol to regulate, warn or guide traffic.

(48) "Volume." The number of vehicles passing a given point during a specified period of time.

In the event of a conflict between this document and the aforementioned referenced specifications, the specifications contained in this document shall govern. (1979 Code, § 12-206, as amended by Ord. #07-01, Feb. 2007, and replaced by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-207. Permits. Prior to beginning any construction, the developer and/or contractor, shall obtain all necessary permits as required by law. Such permits may include, but are not limited to, those required by State of Tennessee, Robertson County, Sumner County, and other City of White House agencies. The Developer shall obtain a "land disturbance permit," "stormwater management permit," "sewer fees receipt" and landscape plan approval (when necessary) from the city prior to beginning any construction activities. The "land disturbance permit" is issued by the City of White House Public Services Department upon presentation of proof of required approvals of drawings and specifications and upon payment of required fees. (1979 Code, § 12-207, as amended by Ord. #07-01, Feb. 2007, and replaced by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-208. Notification of construction. In addition to any other notices required by law (e.g., TN One Call, notices to non-participating utilities), before commencing any street construction operations, a ten (10) day notice must be given during regular business hours to the public services department. This advance notice is required for all street construction projects to ensure proper inspection staff scheduling. Demolition permits, if required for the project, shall be obtained from the planning and codes office. (1979 Code, § 12-208, as amended by Ord. #07-01, Feb. 2007, and replaced by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-209. Utility coordination. Locating and coordination for the relocation of existing utilities within the city's right-of-way is the responsibility of the contractor. Tennessee's One-Call and the City of White House utility location service shall be utilized in addition to coordination with local utility owners. The contractor shall at all times protect existing utilities and will be

responsible for costs due to damage caused to any utility lines. (1979 Code, § 12-209, as amended by Ord. #07-01, Feb. 2007, and replaced by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-210. Quality control testing. Construction materials, including asphalt, concrete, and roadway subgrades shall be fully tested in accordance with the designations and requirements within the referenced "TDOT Standard Specifications" sections. Unless otherwise noted within the "standard specifications" section, the type and number of tests called for by the referenced standards shall be performed.

Testing shall be done by an independent testing laboratory whose qualifications are approved by the city. Testing results will be submitted to and approved by the director of public services. The city reserves the right to require industry standard certifications of testing and inspections by the testing laboratory, mills, shops, and factories. Such certifications required shall be submitted in duplicate.

The developer shall provide the necessary labor and supervision required to support field testing by the independent testing firm and inspections by city officials at no cost to the city. Test reports of field testing if applicable shall be submitted directly to the director of public services. Defects disclosed by tests shall be rectified at no cost to the city. The developer is required to have the design engineer or a certified quality control inspector present during all phases of construction. A daily log of work performed should be kept by this individual and submitted to the city upon request. (1979 Code, § 12-210, as amended by Ord. #07-01, Feb. 2007, and replaced by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-211. Inspection. All projects shall be subject to inspection during and upon completion of construction by an authorized representative of the city. Presence or absence of an inspector during construction does not relieve the developer and/or contractor from adherence to approved plans and material contained in these specifications or from liability. Materials and/or workmanship found not meeting requirements of approved plans and specifications shall be immediately brought into conformity with said plans and specifications.

An authorized representative of the city shall make a final inspection of the project after completion to determine acceptability of the work and for release of performance bonds if required. Before this final inspection can be made, the engineer responsible for the project shall certify in writing to the public services director that the work has been completed in accordance with approved plans and specifications.

The cost for inspection during construction is covered by the "sewer fee schedule" fee. Additional inspection fees will be required only when an inspection requiring city approval fails and requires subsequent re-inspections. The inspection fee (current prices may be requested from the public services

department) shall be paid to the city before issuance of the "land disturbance permit." (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-212. Revision of plans. Should, during construction, necessary changes be anticipated that would in the opinion of the city staff constitute significant revision of the plans already approved by the city, said plans shall be revised with said changes shown and resubmitted as required by the city, along with a letter stating why such changes are believed necessary. Changes deemed to be minor in nature by the public services director may be made during construction with the changes noted for inclusion in the "as-built" drawings to be submitted to the city prior to final acceptance.

The public services director shall have the right to re-review the entire set of plans should a revision of the plans be required. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-213. Acceptance of facilities. After construction has been completed. a final inspection will take place by the city. A certificate of acceptance shall be issued once all contractual agreements have been met and construction meets the extents considered satisfactory under these specifications and deemed as such by the city. Acceptance of facilities will only be issued after as-built plans that adhere to requirements listed in § 16-215 have been submitted and approved by the public services director. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-214. Modifications. Occasions may arise where the minimum standards are either inappropriate or cannot be justified economically. Modifications from the standards in this ordinance will be considered by the public services director on a case-by-case basis using the following criteria:

(1) Whether the modification requested complies with acceptable engineering standards;

(2) Whether the modification requested does not present a danger to the general health, safety or welfare to the traveling public or pedestrians; and;

(3) Whether the modification is necessary and meets or exceeds the standard using acceptable alternative design or methods.

If the developer, contractor. or utility responsible to the city for public improvements desires to design and construct such improvements in modification to these standards, such modification(s) should be identified in a written attachment to the initial submittal of plans. A request for modification shall be denied if the following information is not provided:

(a) Identification of the standard provision to be modified.

(b) Identification of the alternative design or construction standards proposed.

(c) A thorough justification of the modification request including impact on short- and long-term capital and maintenance requirements and cost.

(d) Request shall be prepared and sealed by a professional civil engineer licensed to practice in the State of Tennessee. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-215. <u>As-built plan submittal</u>. Final as-built plans should be submitted immediately following completion of construction activities. If the project is developed in phases, as-built plans for each phase shall be submitted once the work is complete in that phase. Acceptance of facilities will not be issued until satisfactory as-built plans have been approved by the public services director.

All aspects of the project that have been affected by construction should be verified and appear on the as-built plans. This would include, but is not limited to the following items:

(1) All property lines and easements;

(2) Existing structures (include patio covers, decks, trellises, sheds, pools, fences, poles, etc.);

(3) Location of all "as-built" work with station and offsets;

(4) Height and location of all fences, walls, screens, trees, and hedges over forty-two inches (42") tall;

(5) All commercial driveways, paved areas, and required parking spaces;

(6) All concealed components with station and offsets (include known buried cables, utilities, drainage structures, etc.);

(7) CCTV documentation of storm drainage and/or sewer systems installed;

(8) Storm water BMPs (detention/retention ponds, bio-retention areas, etc.).

Concealed components will require documented proof to be submitted with the as-built plans in the form of a certified construction log that has been generated by the design engineer or a certified quality control inspector.

As-built plans are required to be endorsed by a Tennessee registered professional engineer and/or a registered land surveyor. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-216. <u>Revisions to these specifications</u>. These specifications will be adopted, in ordinance form, by the city's board of mayor and alderman, and shall be revised by ordinance. However, forms and administrative procedures or regulations to effectuate the intent of these specifications are subject to change as deemed necessary by the public services director with thirty (30) days' notice from posting on the city's website or advertising in a publication of general circulation within Robertson and Sumner County and placed on file at the city hall for public inspection and written comment. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-217. Pavement design overview. The contractor/developer shall provide all plant, labor, material and equipment to furnish and construct the bituminous concrete pavements in reasonable close conformity with the lines, grades, thickness and typical cross sections shown on the standard drawings and specified herein, or as called for on the approved plans and specifications. The specifications referenced for each material shall fully apply and no deviations from said specifications limits or quality will be permitted unless specifically stated otherwise in this section. The failure of any component of a product to comply with the referenced specifications shall constitute failure of the whole product.

The contractor/developer shall obtain approval of the subgrade and stone base from the public services director prior to commencing with the paving operations.

For all paving operations, the contractor/developer will be required to provide testing from an independent geotechnical firm pre-approved by the city. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-218. Requirements. (1) Design standards. The design criteria and procedures presented follow the TDOT Standard Specifications for Road and Bridge Construction, sections 307 (Bituminous Plant Mix Base (Hot Mix)), 407 (Bituminous Plant Mix Pavements (General)), 411 (Asphaltic Concrete Surface (Hot Mix)), and 907 (Concrete Reinforcement), dated January 1, 2015 and AASHTO 1993 Guide for the Design of Pavement Structures.

(a) ADT and Equivalent Daily Load Applications (EDLA): Loading values can be calculated using TDOT approved ADT numbers or Equivalent Daily Load Applications (EDLA) and Equivalent Single Axle Loads (ESAL) units if available. AASHTO's "A Policy on Geometric Design of Highways and Streets" and/or "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT :5 400)," whichever design method is appropriate, should be used if ADT, EDLA, or ESAL units are available.

(b) Minimum pavement section: The standard drawings in the subdivision regulations appendix provide the default acceptable pavement sections for each street classification based on assumed subgrade support and traffic values. These pavement thicknesses may be used for preliminary planning purposes, cost estimates, or final pavement designs when approved by the public services director. All pavement thickness designs must be based on actual subgrade support test results and traffic projections for the specific project. In specifying layer thickness, the designer shall consider how the pavement section will be physically constructed (e.g. specify how to construct two feet (2') of treated subgrade.)

(2) Pavement type. Streets are to be constructed of asphaltic concrete pavement, base course material, or subbase material (where required), placed on compacted subgrade. Non-standard design coefficients may be used, only if

approved in advance by the public services director. In addition, design values must be verified by pre-design mix test data and supported by daily construction tests.

(3) Treated subgrade. The use of treated subgrade, treated base, and/or full depth asphalt pavement may be acceptable when designed and submitted by the designer, and approved by the public services director in accordance with these standards as well as the TDOT Standard Specifications for Road and Bridge Construction, sections 302 (Subgrade Treatment), 304 (Soil-Cement Base) and 306 (Portland Cement Concrete Base).

(4) Approval. A pavement design report shall be submitted with final construction plans. The pavement design report must include the pavement design calculations, methodology, typical sections selected, and basis for assumptions. The public services director shall review and approve the pavement design report prior to construction. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-219. Rehabilitating/repairing existing streets. On paved surfaces, within public R-O-W, do not use or operate excavators, tractors, bulldozers, off-road trucks or other power-operated equipment, the treads or wheels of which are so shaped as to cut or otherwise damage such surfaces. Damaged roadways shall be repaired to the city's satisfaction by the contractor/developer. Placing of mats or using other methods of protection may be allowed subject to the approval of the public services director.

Any roadway surface damaged shall be promptly restored to a condition at least equal to that in which they were found immediately prior to the beginning of operations. Suitable materials and methods shall be used for such restoration, with an emphasis on using the infra-red process for making repairs. All dirt and mud tracked on existing roadways shall be removed promptly. Prior to overlaying existing asphalt, the public services director may require nondestructive testing to determine the amount of overlay necessary to bring the street to current standards. The method of nondestructive testing and the data obtained must be in a form compatible with the pavement management system for the public services director.

All "pot-holes," utility trench settlement, cracking, and any similar imperfections shall be repaired to the public services director satisfaction prior to overlaying. The following should serve as a guideline for the rehabilitation and repairing of existing asphalt streets in the city:

(1) General. The contractor is to provide the necessary labor materials and equipment to restore and maintain the various street and driveway surfaces of all types, pavement and driveway bases, curbs, curbs and gutters, and sidewalks disturbed, damaged, or demolished during the performance of the work.

(2) Permits/fees. Before starting any work, secure the necessary permits to work within the city or state R-O-W and easements when surface materials will be disturbed or demolished. Separate street excavation permits

for street cutting and road subsurface boring/jacking operations are issued at a cost of one thousand dollars ($1,000.00) each and expire after three (3) months from the date of issue. Additionally, all public utilities shall be required to maintain, on file with the public services department, an annual bond in the amount of ten thousand dollars ($10,000.00) for utility cuts and/or directional bores located within city's R-O-W.

(3) Materials. The quality of materials used in the restoration of existing streets, parking areas and driveways shall produce a finish surface equal to or better than the condition before work began. Compacted crushed stone backfill shall be in conformance with the TDOT Standard Specifications for Road and Bridge Construction.

(4) Execution. Where trenches have been opened in any roadway or street that is a part of the State of Tennessee highway system, restore surfaces in accordance with the requirements of TDOT. All other restorations shall be done in accordance with the city standards and these specifications and the city's standard details.

Before trenching in paved areas, the contractor shall saw-cut the pavement in a straight line along the sides of the proposed trench to allow for pavement removal and trench excavation without damage to adjacent pavement. During construction, suitable precautions shall be taken to protect the pavement edges and surfaces and to minimize damage.

Upon completion of the utility installation, the cut shall be full trench backfilled with #67 stone, twelve inches (12") of pug/crusher run, four inches (4") of BMOD binder and two inches (2") of 411E topping. The damaged asphalt will be straight cut, with no castle cuts allowed, regardless of how much asphalt is required to be removed to attain a straight edge cut.

Contractor may fill the top twelve inches (12") of the trench with crusher run and temporary pavement patch until such time that the permanent pavement patch will be constructed. The temporary patch shall be placed the same day or within twenty-four (24) hours. The temporary pavement patch shall consist of at least twelve inches (12") of compacted stone base brought to within six inches (6") of the surface of the existing permanent pavement.

A four inch (4") layer of cold mix asphaltic concrete shall then be applied to protect the base, prevent "pot holes" or "chuck holes." and provide a reasonably smooth pavement surface until the permanent patch is made. The temporary pavement patch shall be placed within twenty-four (24) hours of the completion of the utility installation. Permanent hot mix patching shall only be applied after the cold mix patch has been completely removed and adequate subbase is installed.

When installing the permanent repair, the contractor must use the infra-red method to ensure the joints are sealed properly. An inspector from the public services department must be onsite during the infra-red process. The finished patch must be a smooth transition from the existing asphalt to the infra-red repaired asphalt.

Concrete curbs, gutters and sidewalks shall be restored as required to match existing construction. Replace damaged sections with completely new sections or squares. Patching of damaged sections will not be permitted.

When a manhole or valve box frame and cover, or other utility casting, requires adjustment to an elevation one inch (1") or more above the existing pavement grade and is exposed to traffic before final paving is completed, a temporary ramp shall be constructed by feathering a cold mix for three hundred sixty degrees (360°) around the casting. A taper slope of not less than two feet (2') per one inch (1") shall be used. During the final paving operation, the temporary ramp shall be removed from around the casting to allow for the permanent paving installation. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-220. Pavement structure components. At the discretion of the public services director, or designee, density testing may be requested with the following requirements within this section:

(1) Sub-base. The layer(s) of specified or selected material of designed thickness placed on a subgrade to support a base course, surface course, or both. A minimum of one (1) boring shall be obtained for any roadway segment. The distance between borings shall not exceed two hundred fifty feet (250'). A second boring shall be required in the trench of any installed utilities. Therefore, where utility trenches exist, the contractor shall be required to do two (2) borings per location, one boring in the trench and one in compacted subgrade. Multiple samples shall be taken alternately among lanes and shall be evenly spaced. The public services director may require more frequent testing to ensure that the subbase meets the adequacies presented in the design report.

However, if borings have already been completed by the underground utility contractor, then additional utility borings shall not be required.

(2) Sub-base proof-roll. When applicable, the public services department must be in receipt of all density testing data required to be completed at this stage of construction (sub grade should have been tested every two hundred fifty feet (250'), alternating lanes testing to be completed on cut or fill). It is the responsibility of the contractor to provide independent density verification prior to proof-rolling, and at no cost to the city.

After fine grading of sub grade, but prior to placing base material, the sub grade must be proof rolled with a loaded tandem axle dump truck or pan. The contractor shall schedule this inspection. The geotechnical engineer, public services department and contractor shall be represented. The public services department reserves the right to conduct or require additional testing at any time. The minimum acceptable sub grade density is ninety-five percent (95%) of maximum proctor density.

No base course material or curbs should be placed prior to written approval of the sub grade from the public service's department office.

NOTE: Any completed and approved sub grade left exposed for over two (2) weeks or damaged by inclement weather must be re-inspected and approved by the public service's department.

This may include another proof roll if necessary in the judgment of the public service's department.

Any excavation within a tested and city approved sub grade shall be treated as new excavation and complete density testing if required and proof-rolling requirements must be met.

(3) Base course. The mineral aggregate base (stone base) shall be crushed stone as manufactured by local quarries in accordance with current TDOT Standard Specifications.

The composite gradation of aggregate for the mineral aggregate base and for surface courses shall be Class A, Grading D, Pug Mill Mix, as specified in the current edition of TDOT Standard Specifications for Road and Bridge Construction.

Placement of base course material is only permitted on a city approved sub grade. All base course materials are to be density tested every two hundred fifty feet (250') in alternating lanes with a minimum of two (2) tests on any road no matter the length. Thickness of base course material must be verified at each density test location.

The following compaction requirements must be met: Graded aggregate base course (ninety-eight percent (98%) of modified proctor density).

It is the responsibility of the contractor to provide independent density verification at no cost to the city.

(4) Base course proof-roll. Prior to scheduling a base course proof-roll the city must be in receipt of all base course density testing and thickness verification reports. If the average base course thickness is found to be deficient by more than one half inch (1/2") or any individual measurement deficient by more than 1 inch, the deficiency will be corrected by scarifying, adding base material, re-compacting and density testing.

Upon completion of the curbing and base course, the contractor shall schedule an inspection to proof-roll the base with a loaded tandem axle dumptruck. The geotechnical engineer, public services director and contractor shall be represented. The contractor will provide proctor and gradation information on the base material from an independent testing firm as well as verification that all applicable compaction and depth requirements have been satisfied.

(5) Graded aggregate base course. If the base course is eight inches (8") or thicker, than it shall be placed and compacted in equal lifts (eight inches (8"), compact and test at four inches and eight inches (4" and 8"), if the base course is less than twelve inches (12") it can be tested as one (1) lift. If base course is twelve inches (12") or greater it must be placed compacted and density tested in equal lifts (twelve inches (12"), compact and test at six inches and twelve inches (6" and 12")).

NOTE: Any completed and approved stone base left exposed for over one (1) week or damage by inclement weather must be re-inspected and approved by the public service's department. This may include another proof roll if necessary in the judgment of the public service's department.

(6) Bituminous prime coat. A bituminous prime coat shall be applied uniformly over the surface of the crushed stone base by means of a pressure distributor at an approved uniform rate. The contractor shall maintain the prime coat and the surface intact until it has been covered by the following stage of construction. The prime coat shall be Emulsified Asphalt RS-2 AE-P (TDOT Standard Specifications, subsection 904.03), applied at the rate of three-tenths (0.3) gallon per square yard, and shall be maintained at an application temperature between sixty and 104 degrees Fahrenheit (60° and 140° F). No succeeding stage of construction shall be placed upon the prime coat until it has properly cured.

The use of prime coat on base course material shall he done solely at the discretion of the public services director.

(7) Binder course. The binder course shall be installed to the compacted thicknesses shown on the plans or in the standard drawings. Bituminous mixtures shall be delivered and spread on the roadway in ample time to secure thorough compaction during daylight hours. The bituminous plant mix shall be placed upon the approved stone base or asphalt course, spread and struck off to established line, grade and elevation by means of an approved asphalt paving machine. On areas where irregularities or unavoidable obstacles make the use of mechanical spreading and finishing equipment impractical, the mixture shall be taken from the hopper of the spreading machine and shall be distributed into place by means of shovels and spread with rakes and lutes in a uniformly loose layer of such depth as will result in a completed course having the required thickness.

(8) Surface course. One (1) or more layers of a pavement structure designed to accommodate the traffic load; the top layer of which resists skidding, traffic abrasion and the disintegrating effects of climate. For asphalt pavement the top layer is sometimes called the "wearing course." Asphalt thicknesses for surface courses are typically one and one-half to two inches (1 1 /2" to 2") thick. For asphalt overlay projects, the total thickness of asphalt should be no more than four inches (4"). See § 16-221(1) for material specifications.

Prior to installing the surface course of asphalt, a bituminous trackless track coat shall be applied uniformly to the hinder course by means of a pressure distributor at a uniform rate. The minimum rate of application for tack on a new binder course shall be a 0.05 gallons/square yard. The tacked surface shall be allowed to dry until it is in a proper condition to receive the next course. The trackless tack coat shall only he applies as far in advance of the paving operations as is necessary to obtain the proper condition of tackiness. The contractor shall protect the tack coat from damage until the next course is placed. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***, and amended by Ord. #2023-18, Nov. 2023 ***Ch21_04-17-25***)

16-221. Asphaltic concrete pavement design. (1) Material. All pavement designs shall adhere to the specifications set forth in the TDOT Standard Specifications for Road and Bridge Construction. Aggregate for the plant mix surface course shall be sized, graded and combined in such proportions that the resulting composite blend meets the requirements of TDOT 903.05. Aggregate for Mineral Aggregate Base and Surface Courses, of the Standard Specifications, together with the stipulations pertaining to the constituents of the blend hereinafter specified in the TDOT Standard Specifications for Road and Bridge Construction.

Unless another type has been approved in advance by the public service's department for a specific project, hot mix asphalt pavements will be:

Binder type BM2 ACS mix (PG64-22) (TDOT Standard Specifications, section 307-01.08). Wearing Surface Grading 411E ACS mix (PG70-22) (TDOT Standard Specifications, section 411-02.11), or, 411D ACS mix (PG64-22) (TDOT Standard Specifications, section 411-01.10).

A prime coat is a sprayed application of a cutback asphalt or Asphalt Emulsion (AE) applied to the surface of untreated subgrade or base layers. The prime coat serves several purposes:

(a) Fills the surface voids and protects the base from weather;

(b) Stabilizes the fines and preserves the base material integrity, and;

(c) Promotes bonding to the subsequent pavement layers.

The project plans shall specify the rate at which the prime coat is applied. A prime coat is a sprayed application of an Asphalt Emulsion (AE) applied to the surface of untreated subgrade or base layers. Generally, however, prime coat is applied at a rate between 0.30 to 0.50 gallons/sq. yd.

Trackless tack shall be used on all paving projects, new or overlay. For an overlay project, the initial tack volume is surface dependent. For scarified or heavily alligator cracked roads, the tack is to be put down at an application rate of 0.11 gallons/sq. yd. For smoothed surfaces, recently paved roads or on leveling courses, the trackless tack application rate is 0.05 gallons/sq. yd.

(2) Coordination. After approval of the base or subgrade, there shall be coordination between the paving contractor and the public services department with regard to the schedule for paving. A city inspector is required to be present during paving operations.

(a) Asphalt is only to be placed on a city approved base.

(b) A prime coat shall be used on base rock material, and shall be applied twenty-four (24) hours prior to paving.

(c) If more than one (1) week passes or there is one fourth (1/4") or more rain prior to paving an approved base, the base must be re-inspected by the city visually, and possibly proof-rolled at the discretion of the city.

(d) Minimum asphalt thickness for initial/first lift is two inches (2") inches for residential streets.

(e) Asphaltic concrete surface course may not be placed during the months of December, January, and February except with the written permission of the director of public services. Placement of hot mix asphalt will not be authorized when surface, and ambient, temperatures are less than fifty-two degrees Fahrenheit (52° F).

(f) Public services department to visually inspect pavement and review asphalt core test data at all phases of paving, binder, intermediate and surface course.

(g) Asphalt trackless tack coat to be placed between binder, or leveling, course and wearing course, with no exceptions.

(3) Final surface course. An existing asphalt concrete binder or base course, must be inspected and approved prior to placement of the asphalt surface (wearing) course. Verification of in-place density and thickness of the binder or base course must be provided as a prerequisite to this approval. Failure to obtain this approval will make the street ineligible for final approval and acceptance by the city.

(4) Asphalt acceptance requirements. The contractor shall be responsible for providing verification of the asphalt type, asphalt binder content, gradation and the average laboratory Bulk Specific Gravity (BSG) for all asphalt mixes used on city projects, as well as the in-place asphalt density and thickness. The asphalt contractor must have an asphalt laboratory certified by TDOT.

For each day's production, the contractor's asphalt lab must provide:

(a) Average laboratory BSG
(b) Asphalt binder content
(c) Gradation
(d) Mix type

The in-place density and thickness determination of asphalt surface and binder courses will be based on the core data for each day's production. Cores will be obtained every two hundred fifty feet (250') in alternating lanes with a minimum of one (1) core on any road no matter the length, immediately after completion and the holes patched with hot asphalt from the same day's production.

The cores will be taken and evaluated by either the asphalt contractor or an independent materials testing firm certified by the TDOT for state highway projects. The pavement will be rejected, removed and replaced if the average in-place core density is less than ninety-six percent (96%) of the average laboratory BSG with all cores exceeding ninety-five percent (95%).

The average pavement thickness must be equal to or greater than the plan thickness with no individual core thin by more than one fourth inch (0.25"). Pavements that are deficient with regard to thickness will either be removed and replaced or overlaid at the discretion of the public services director. Documentation of the asphalt verification testing must be provided prior to requesting a final inspection.

The public service's department reserves the right to conduct, or require additional, verification testing at any time.

(5) Proof-roll of road easement. Easements should be properly graded and compacted according to plans. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-222. Installation. The mineral aggregate base shall be constructed in one (1) or more layers with the compacted thickness being that as shown on the approved plans or the construction standards. Prior to the spreading of any mineral aggregate, the sub grade shall be proof rolled with a fully loaded tandem dump truck of crusher run (or other approved equipment). Any areas which pump will require undercutting, backfill and compaction to specified limits. Additional proof rolling shall be required for all repaired areas.

Hauling over material already placed will not be permitted until it has been spread, shaped and compacted to the required density.

If the required compacted depth of the mineral aggregate base course exceeds six inches (6"), the base shall be constructed in two (2) or more layers of approximate equal thickness. For total base thickness of eight inches (8"), lifts shall be placed and compacted in four inch (4") thicknesses. For ten inch (10") base thickness, lifts shall not exceed five inches (5").

Except where mechanical aggregate spreading equipment is used to place the mineral aggregate base material, final shaping of each layer prior to compaction shall be accomplished by motor grader. In the event that mechanical spreading equipment fails to shape the base material properly, final shaping shall be done by motor grader or other approved means.

Immediately following spreading, the mineral aggregate base material shall be shaped to the required degree of uniformity and smoothness and compacted to the required density prior to any appreciable evaporation of surface moisture. Compaction of each layer shall be continuous until the minimum density requirement is achieved. Compacting equipment shall be smooth drum steel wheel vibratory rollers.

For density testing purposes, each completed layer is to be divided into lots of approximately ten thousand (10,000) square yards. Five (5) density tests are to be performed on each lot and the results averaged. Smaller lots may be considered when directed or approved by the public services director.

The average dry density of each lot shall be not less than one hundred percent (100%) of theoretical density based upon eighty-three percent (83%) of a solid volume, unless otherwise specified. Further, no individual test shall be less than ninety-seven percent (97%) of theoretical. The theoretical density of aggregates shall be based on bulk specific gravity AASHTO T-99. The theoretical density of all other aggregates shall be based on bulk specific gravity AASHTO T-85 AND T-99.

When mineral aggregate base is used to widen an existing pavement, to construct shoulders for resurfacing projects, base placed on bituminous asphalt mix, or base used for structure backfill, the average density of each lot shall be not less than ninety-five percent (95%) if maximum density determine in accordance with AASHTO T-99, Method D, unless otherwise specified. Further,

no individual test shall be less than ninety-two percent (92%) of maximum density.

The thickness of the completed mineral aggregate base shall be in reasonably close conformity to the thickness shown on the approved plans or as called for by the construction standards. The thickness shall be measured at such frequency as established by the public services director by means of test holes, borings, or other approved methods.

The surface of the finished mineral aggregate base shall be in reasonably close conformity to the lines, grades and cross sections as shown on the approved plans or construction standards and shall have a satisfactorily smooth riding quality.

Upon completion of the mineral aggregate base, it shall be maintained. under traffic, if required. smooth and uniform until covered by the following stage of construction.

The mineral aggregate base. prepared as outlined herein, shall be sprinkled lightly with water to settle any loose dust. The bituminous prime coat shall then be applied uniformly over the surface of the base by the use of an approved bituminous distributor. Any areas containing an excess or deficiency of priming material shall be corrected by the addition of blotter material or bituminous material. as directed by the public services director.

The contractor shall protect all structures and concrete surfaces from the bituminous material during construction. If after the bituminous prime coat has been applied. it fails to penetrate before traffic has to be turned back to the road, or paving is interrupted overnight, a dry cover material shall be spread at a rate of ten (10) pounds per square yard to prevent damage to the primed surface. An excess of cover material shall be avoided. The cover material shall be applied with suitable spreading devices to prevent the tires of the trucks from running over the fresh bituminous prime coat.

The asphaltic concrete base course or surface course, bituminous plant mix (hot mix), may be placed on properly constructed and accepted subgrade or previously applied layers provided the following conditions are met:

- The subgrade or the surface upon which the hot mix is to be placed shall be free of excessive moisture.
- The hot mix shall be placed in accordance with the temperature limitations specified on TDOT Table 407.09-1 of the Standard Specifications, and only when weather conditions otherwise permit the pavement to be properly placed, compacted and finished.
- See TDOT 407.09. Weather Limitations, of the Standard Specifications for additional seasonal weather requirements.
- The contractor may request a variance from the above required temperature and seasonal limitations to pave at lower temperatures if there is a benefit to the public. Submit such requests in writing at least one (1) week before the anticipated need, and include a paving and compaction

plan for cold weather that meets the department's procedure. The plan shall identify what practices and precautions the contractor intends to use to ensure the mixture is placed and compacted to meet the specifications.

- Bituminous trackless tack coat shall be placed between binder or leveling course and wear surface.

(1) New subdivision asphalt application process. Subdivisions that are building new roads to be turned over (accepted) by the city, shall be required to do the following:

(a) Install approved sub-grade of at least eight inches (8"), or the minimum required thickness per street type detail specification, of Grading D Pug Mill Mix;

(b) Prime coat (Type RS-2) the surface of the pug at least twenty-four (24) hours prior to installing the binder;

(c) Install at least two inches (2") asphaltic concrete base (B-Modified), or the minimum required thickness, per street type detailed specification;

(d) Apply tack coat using trackless tack to binder layer prior to installing wearing course;

(e) Install two inches (2") asphaltic concrete surface mix (411E), or the minimum required thickness per street type detailed specification.

(2) Asphaltic concrete installation procedure. (a) The asphaltic concrete binder course, and wearing course, shall be installed at the beginning of the development project, not in stages, or phase completion;

(b) Prior to the formal acceptance by the city, the developer shall provide a project performance bond, or Letter of Credit (LOC), provided to the city and shall include a percentage dedicated to the repair and/or replacement of the installed layers of asphaltic concrete. The city shall require a maintenance bond of an amount equal to ten percent (10%) of the public services department's original calculated construction costs for street surfacing prior to the formal acceptance by the city.

(c) The street maintenance bond shall stay active for one (1) year after final acceptance by the city.

(d) Streets shall not be accepted by the city until at least seventy-five percent (75%) of the lots in the development are completed and has been issued a certificate of occupancy.

(e) The city may review and approve the acceptance by individual phases of the development when the street does not provide construction access to an additional phase of the project. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-223. Testing. All pavement installations and repairs will require the contractor to submit material testing certifications to the director of public services. Materials should meet the requirements found in the TDOT Standard

Specifications for Road and Bridge Construction. The following shall be required for the submittal:

(1) Liquid asphalt. Certification is needed to show specification compliance including the performance grade of the material.

(2) Aggregate. A completed mix design along with aggregate stockpile results with percent passing each sieve.

(3) Completed mix. Complete mix gradation should be documented by tests using one (1) of the following methods: Hot bins, vacuum extraction or burnout oven testing.

(4) Compaction. Density results shall be compliant with the TDOT Standard Specification section 40 and field verified. The percent voids in the total mix and the theoretical gravity of the mix should be documented as bare minimum.

The public services director reserves to right te request any additional tests deemed necessary for acceptance. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-224. Concrete overview. This section includes all fabricated, installed and erected structures and appurtenances related to street construction including pipes, culverts, headwalls, box culverts, box and slab-bridge. Unless modified by these specifications, all structure materials and construction requirements shall conform to the "Standard Specifications for Road and Bridge Construction" published by the TDOT (latest edition), hereinafter referred to as the "standard specifications." (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

2-225. Reference specifications. Unless modified by these specifications, all concrete materials and construction requirements shall conform to the "Standard Specifications for Road and Bridge Construction" published by the Tennessee Department of Transportation's (TDOT) (latest edition), hereafter referred to as the "standard specifications."

Where project plans and specifications refer to particular items, materials, equipment and construction requirements, the appropriate section of the standard specifications shall apply. Standard specification sections regarding compensation shall not apply unless directed by the engineer. The absence of a description or specification for any item of work shall automatically refer to the appropriate section of the standard specifications.

TDOT Specification section 604 shall apply for all structural concrete to be used in load carrying structures including box and slab culverts, foundations including drilled caissons, traffic signal and overhead sign foundations, retaining walls and girder bridge members. Section 604 also specifies the requirements of concrete used in structures as well as other miscellaneous or incidental items.

Miscellaneous concrete items such as sidewalks, curbing and gutters, rigid street pavement, medians, driveways, paved ditches and roadside sign foundations, shall meet the requirements of TDOT Specification sections 700 through 703.

All precast concrete including precast drainage structures, headwalls. box culverts, pipe, temporary barriers, noise and retaining walls, and bridge members shall meet the requirements of TDOT's Standard Operating Procedure 5-3 regarding the "Manufacture and Acceptance of Precast Concrete Drainage Structures, Noise Wall Panels, and Earth Retaining Wall Products." This document requires that all producers of precast concrete products be certified in accordance with national quality standards developed by the National Precast Concrete Association (NPCA), the American Concrete Pipe Association (ACPA) and/or the Prestressed Concrete Institute (PCI). Certified producers must submit a copy of their certifications and documentation that have successfully completed the annual inspections. The engineer may waive the requirements of precast concrete producer certification on a case-by-case basis. This waiver must be supplied by the city in writing and retained by the contractor. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-226. Submittals. Where required in the project plans, technical performance and/or quality certification of concrete materials proposed for the work shall be submitted to the Public services director for approval. Such submittals may include the following:

(1) Concrete mix designs. Concrete mix designs are required for load carrying structures such as bridges, box culverts, large junction boxes within the roadway and retaining walls. Mix designs shall be prepared and certified by approved materials testing company, or alternately, an existing TDOT approved design may be submitted provided the design is approved within the calendar year. Mix designs shall certify all admixtures and cement replacement such as fly ash proposed for the project concrete.

(2) Reinforcing steel: Certifications for reinforcing steel used in load carrying structures shall be submitted to the public services director. Letter of certification shall bear the signature of the supplier's representative and shall certify that the reinforcing meets the requirements of the standard specifications.

(3) Miscellaneous items. Items included in concrete work such as handrails, anchors, joint materials, curing materials and other items may require submittals and/or representative samples at the discretion of the public services director. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-227. Concrete classification. Use of the following classes of concrete per the TDOT Standard Specifications:

Application	Class	Min. 28-3ay Strength
Sidewalks and Bikeways	A	3000 psi
Curb and Gutters, Drainage Structures	D	4000 psi
Bridge Substructures, Box Culverts, Retaining Walls	D	4000 psi
Light and Traffic Signal Pole Foundations	A	3000 psi
Bridge Deck Slabs	D or L	4000 psi
Underwater Foundations Seals	S	3000 psi
Leveling Concrete	A	3000 psi
Flowable Fill (backfill)	Excav. EFF	30 psi (140 psi** @98days)
Rigid Concrete Pavement	CP**	3000 psi

** See section 204 (Structure Excavation Foundation Preparation, and Backfill), and section 501 (Portland Cement Concrete Pavement) of the TDOT Standard Specifications. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-228 Curbing and sidewalks. (1) Residential sidewalks. All residential street sidewalks within the city shall be constructed within the street right-of-way and shall meet all current city zoning district requirements and Standard Drawing RP-4. It is the contractor's responsibility to ensure safety and maintain access for pedestrians when sidewalks are under construction and to protect the in-place work from damage or vandalism. Traffic control devices including cones, barrels and signs may be required on high volume streets to warn vehicular traffic in advance and adjacent to the area of construction.

The sidewalk forms and base material shall be inspected prior to concrete construction. Contractor shall refer to the City of White House detail specification SD-211 for construction requirements.

(a) All concrete sidewalks shall be a minimum uniform thickness of four inches (4") using Class 'A' Concrete, minimum twenty-eight (28) day compressive strength of three thousand pounds per square inch (3,000 psi).

(b) Sidewalks shall be constructed on a minimum of four inches (4") of compacted, granular aggregate based stone (TDOT size #57, #67, or Class A, Grade D Base Stone). The base stone shall be mechanically

compacted to a firm, even surface in reasonably close conformity with the grade and cross section required.

(c) Subgrade soil, which in the opinion of the public services director, is soft or subject to large volume changes, shall be excavated and replaced with suitable material. The depth of removal will be based on the quality and depth of the unsuitable soil, as field verified, or as determined by geotechnical investigation, and is subject to approval by the project engineer.

(d) Where driveway and alley approaches cross the sidewalk, the minimum concrete thickness of the approach slab, and sidewalk, shall be six inch (6") uniform thickness. See standard drawings for details. Granular base material for driveways shall be compacted base stone material conforming to Class A, Grading D of TDOT section 303.02 (Aggregate). A two and one quarter inch (2.25") lowered curb height above the gutter line shall also be maintained at the front edge of the driveway approach, TDOT Standard Drawing RP-NMC-10.

(e) Side flares for a residential driveway shall be a minimum of three foot six inches (3 '-6") on both sides of the driveway.

(f) Reinforcement of residential sidewalks is required and shall consist of fiber mesh, or wire.

(g) Sidewalk cross slope shall be a maximum of two percent (2%) sloping toward the curb. Longitudinal sidewalk grades within the right-of-way shall not exceed the grade established for the adjacent roadway. Where pedestrian facilities are not contained within a right-of-way, the longitudinal ramp grade shall not exceed five percent (5%).

(h) A median strip of grassed or landscaped area at least four feet (4') wide shall separate all sidewalks from adjacent curbs. All sidewalks shall be a minimum of five feet (5') wide. The difference in elevation between the top of sidewalk and the top of curb at any adjacent location shall not exceed the grade difference produced by a maximum 4:1 slope.

(I) Sidewalk surface is to receive a light broom finish, to achieve a sandy texture with texture lines perpendicular to traffic. Exposed aggregate sidewalk finishes are not acceptable within the street right-of-way.

(j) All exposed concrete edges shall be rounded to a one-half inch (1/2") radius.

(k) Final longitudinal surface variations shall not exceed one-fourth inch (1/4") under a twelve foot (12') straight edge and transverse variation shall not exceed one-eighth inch (1/8") in five feet (5'). Low spots which allow water to pond will not be acceptable.

(l) Transverse control joints shall be spaced every five feet (5') and shall be placed at right angles to traffic. Joints shall also be placed to intersect all inside or re-entrant corners. Joints shall be formed with

a grooving trowel to a depth of one inch (1"). The top edges of the grooves shall be rounded to one-fourth inch (1/4") radius.

(m) Longitudinal control joints are required for sidewalk widths greater than six feet (6') and less than ten feet (10'). Two (2) longitudinal joints are required for sidewalks greater than ten feet (10'). Longitudinal joints shall be centered in the width of the sidewalk. Joints shall be formed with a grooving trowel to a depth of one inch (1") inch. The top edges of the grooves shall be rounded to one-fourth inch (1/4") radius.

(n) Expansion joints shall be constructed with one half inch (1/2") thick pre-molded rubberized or felt expansion joint filler. Bituminous fiberboard shall not be used. Expansion joint material shall extend the full width of the sidewalk and the depth shall extend to within one inch (1") of the top surface. Space expansion joints at twenty-five feet (25') maximum spacing and at each driveway and at any cold joint. Expansion joints are also required at the back edge of driveway approaches between the approach and the private drive and at each side interface with the sidewalk.

(n) One inch (1") thick pre-molded expansion joints are required when sidewalks are adjacent to curved sections of the street curb and when curb is placed adjacent to buildings and/or retaining walls. Use one-half inch (1/2") isolation joints around other fixed objects like utility poles and hydrants. Use one-half inch (1/2") expansion joints between the curb and sidewalks where constructed adjacent to each other.

(o) Sidewalks and bikeways shall not be opened to pedestrian or bicycle traffic for at least twenty-four (24) hours after placement. The contractor shall provide and maintain measures to restrict use during the curing period.

(p) Concrete driveway aprons shall should not be opened to vehicular traffic for at least seven (7) days after placement or until test cylinder breaks indicate an attained compressive strength of two thousand five hundred pounds per square inch (2,500 psi).

(q) Backfill sidewalks flush with the surface of the walk and the surrounding ground line with soil. For detached sidewalks, backfill the area between the curb and the sidewalk on the straight line from the top of walk to the top of curb, but not to exceed a 4:1 slope.

(2) Commercial sidewalks. All commercial street sidewalks within the city shall be constructed within the street right-of-way and shall meet all current city zoning district requirements.

The sidewalk forms and base material shall be inspected prior to concrete construction. Contractor shall refer to the City of White House detail specification SD-211 for construction requirements.

In addition to, and including, the above requirements for residential street sidewalks, commercial sidewalks within the city shall be constructed to the following requirements:

(a) Driveway and alley approaches crossing the commercial sidewalks shall be a minimum width of fourteen feet (14') and the minimum concrete thickness of the approach slab shall be six inches (6"). See standard drawings for details. Granular base material for driveways shall be compacted base stone material conforming to Class A, Grading D of TDOT section 303.02 (Aggregate). A two and one-fourth inch (2.25") lowered curb height above the gutter line shall also be maintained at the front edge of the driveway approach, TDOT Standard Drawing RP-NMC-10.

(b) Side flares for a commercial driveway shall be a minimum of seven feet, zero inches (7'-0"), on both sides of the driveway.

(c) Isolation joints are requited around penetrations in the sidewalk such as fire hydrants, utility poles, manholes, and adjacent to any fixed structure such as a building or retaining wall. Use one inch (1") thick joints against buildings and retaining walls and one half inch (1/2") thick pre-molded non-bituminous expansion joint material shall be used in all other locations.

(d) All valve boxes, manhole covers and other castings in the sidewalk area shall be adjusted to the grade of the sidewalk.

(e) Commercial sidewalk widths shall be specifically reserved for pedestrian travel. Furniture, planters, newspaper stands and other protruding obstacles shall be kept clear of a minimum required width of four feet (4'), or as required by current city zoning district requirements. Obstacles in the pedestrian path shall be eliminated or a widened pathway around the obstacle will be required.

(3) Handicapped ramps. All sidewalks within the city shall include handicapped access ramps compliant with the latest edition of the ADA Standards for Accessible Design at all intersections, crosswalks and commercial driveways. Handicapped ramps shall be constructed in accordance with the TDOT Standard Drawings.

(a) Concrete for ramps to be Class A and shall be finished by light broom finish texturing.

(b) Install a one-half inch (1/2") pre-molded, felt expansion joint between the ramp section and the sidewalk and between the ramp section and the curb.

(c) Truncated dome detectable warning areas shall be installed using yellow detectable warning panels or approved equivalent.

(d) Minimum concrete thickness for a handicapped ramp shall be six inches (6").

(4) Curb and gutter sections. All concrete curb and gutter sections shall be constructed in accordance with details shown in the city's subdivision regulations standard detailed drawings and the project plans. Curb openings will be located as shown on the approved plans and will be evaluated based on acceptable access control requirements by the city.

(a) Class "A" concrete shall be used for all curb and gutter sections and the concrete mix shall be air entrained.

(b) Curb and gutter sections shall be constructed on the compacted stone aggregate base for residential and commercial streets.

(c) Curb and gutter sections shall be reinforced with fiber filament mesh reinforcing.

(d) Control joints for curb and gutter sections shall be spaced at a maximum of ten feet (10'). Joints shall be formed with a grooving trowel to a depth of one inch (1"). The top edges of the grooves shall be rounded to one-fourth inch (1/4") radius.

(e) Expansion joints are required at all tangent points in curved sections, between curbs and sidewalks and between curbs and other rigid objects such as buildings, catch basins and driveway aprons.

(f) Where curbs are attached to the sidewalk. expansion joint spacing shall match the spacing of expansion joints in the sidewalk, which is every twenty-five feet (25').

(g) Maximum expansion joint spacing for detached curbs shall be one hundred feet (100').

(h) Curbs and gutters shall be constructed to follow the geometry of the roadway unless noted otherwise on the plans. Curved sections of curb shall conform to the roadway curve geometry with smooth continuous curves with no chorded portions.

(I) Flow lines of gutters shall be true to line and grade with no areas of ponding water. Final longitudinal surface variations shall not exceed one-fourth inch (1/4") under a twelve foot (12') straight edge.

(j) Concrete finish for curb and gutter sections shall be a light broom finish with finish lines parallel to the flow of water.

(k) Curb and gutter sections aprons shall not be opened to vehicular traffic for at least seven (7) days after placement or until test cylinder breaks indicate an attained compressive strength of two thousand five hundred pounds per square inch (2,500 psi). (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-229. <u>Concrete reinforcement</u>. Where indicated on the approved drawings, concrete for load carrying structures such as box and slab culverts, bridges and retaining walls shall be reinforced with steel bar reinforcement, welded wire fabric and pre-stressing strands. Sidewalks, curbs, combined curb and gutters and concrete pavement areas shall be reinforced with synthetic fiber reinforcement.

All steel reinforcing materials required for load carrying structures shall meet the requirements of the TDOT Standard Specifications unless noted. Sizes, spacing, gauges, locations and arrangements shall be as shown on the approved plans. Where project plans do not depict reinforcing placement plans or schedules, the contractor shall develop and submit reinforcing steel shop

drawing to the public services director for approval. All hooked bars shall conform to Concrete Reinforcing Steel Institute (CRSI) standard book details. In the case of bridge decks, top slabs of box and slab culverts used as riding surfaces, concrete barrier rails and bridge sidewalks, all reinforcing steel shall be epoxy coated per the standard specifications. In addition, the dowel bars projecting from the footing into the back face (backfill side) of the wall stem in retaining walls shall be epoxy coated.

(1) Reinforcing materials. Use the reinforcing materials below where indicated on the approved plans:

(a) Steel reinforcing shall be deformed steel bars conforming to ASTM A 615, Grade 60.

(b) Steel reinforcement for bridge decks and top slab of box bridges when used as the riding surface shall be epoxy coated. All concrete bridge railing shall also require epoxy coated reinforcement.

(c) Smooth steel dowel bars shall conform to ASTM A615.

(d) Plain- steel welded wire fabric: ASTM A185, fabricated from as-drawn steel wire into flat sheets.

(e) Pre-stressing steel shall be in accordance with ASTM A416.

(f) Synthetic fibers (fiber reinforced concrete): Fibrillated or monofilament polypropylene fibers engineered and designed for use in concrete, complying with ASTM C 1116, Type III, one-half to one and one-half inches (1/2" to 1 1/2") long. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-230. Concrete placement. All formwork shall be constructed using pre-manufactured metal forms or dressed form lumber and plywood. Formwork shall be adequately braced, mortar tight and true to line and grade. Provisions shall be made during placement of concrete to minimize aggregate separation and ensure proper consolidation throughout the pour. To highlight a few key requirements of standard specifications in particular, the contractor shall ensure the following placement operations arc observed:

(1) Elapsed time from truck loading to delivery and placement shall be limited to ninety (90) minutes when the air temperature is ninety degrees (90°) degrees or less. When the air temperature exceeds ninety degrees (90°), this time is reduced to sixty (60) minutes.

(2) Concrete that does not meet the specified limits regarding slump, air content, temperature, and delivery time shall not be used unless approved by the engineer.

(3) Concrete shall be compacted with suitable vibrators operating within the concrete unless otherwise directed by the public services director.

(4) Concrete may not be placed from a chute discharge height greater than five feet (5').

(5) No concrete other than foundation seals shall be placed underwater.

(6) Do not add water to concrete during delivery. at project site, or during placement unless the concrete delivery ticket indicates that mix water was withheld at the plant. In such cases only the amount withheld per cubic yard may be added at the jobsite.

(7) Concrete shall be placed in cold weather only when the air temperature is forty degrees (40°) and rising.

(8) Protect newly placed concrete from air temperatures below forty degrees (40°) degrees with insulation blankets to maintain the concrete temperature at not less than forty-five degrees (45°) degrees for a period of one hundred twenty (120) hours after placement. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-231. Concrete inspection and laboratory testing. It is the contractor's responsibility to ensure quality concrete meeting section 604, Concrete Structures, of the TDOT Standard Specifications is delivered and placed on the project. All quality testing of the concrete shall be performed by an independent testing company pre-approved by the city in accordance with section 1 of these specifications. All quality testing performed by the testing agency is subject to monitoring and review by the public services director to ensure established procedures are followed. Reports of testing shall be certified and submitted to the city within ten (10) days of actual testing to document the quality control before final acceptance of the project. The contractor may pursue additional testing per 604.15, Compressive Strength Tests of Concrete, of the TDOT Standard Specifications if concrete compression tests fail to meet the required strengths noted in § 16-227 above. The contractor will be responsible for the costs associated with all testing and also re-testing due to failed acceptance tests.

Required tests for concrete construction to be performed by the testing agency include:

- Slump
- Yield
- Entrained air content
- Mix Temperature
- Representative test cylinders

(1) Testing frequency. One (1) composite sample (four (4) test cylinders) for each day's pour of each concrete mix exceeding five (5) cubic yards but less than twenty-five (25) cubic yards plus one (1) set for each additional fifty (50) cubic yards or fraction thereof.

Concrete placement operations shall be inspected by an on-site superintendent to ensure placement of the concrete meets requirements of the standard specifications. On-site inspection is required to be documented by the contractor and recorded in a field book subject to review by the public services director. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-232. Stormwater overview. This section includes all fabricated, installed and erected structures and appurtenances related to street construction including pipes, culverts, headwalls, box culverts, box and slab bridges, and sign, signal and lighting supports. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-233. Storm water reference specifications. Unless modified by these specifications, all structure materials and construction requirements shall conform to the "Standard Specifications for Road and Bridge Construction" published by TDOT (latest edition), hereinafter referred to as the "standard specifications." (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-234. Pipe, culverts, and storm sewers. Pipe used for cross drains under the street and within the city's R-O-W shall be Reinforced Concrete Pipe (RCP). Side drains under driveways, or within the interior of the development, may be RCP or HDPE plastic pipe and must meet AASHTO Standards. Driveway culverts and interior development piping shall be the responsibility of the property owner or the HOA.

(1) Concrete pipe. Concrete pipe shall be reinforced Class III rigid pipe and shall be round, oval or flat based as shown on the approved plans or special provisions, so long as these meet or exceed specification of this section. All precast concrete pipe shall be manufactured in accordance with the "TDOT Procedures for Manufacture and Acceptance of Precast Drainage Structures, Noise Wall Panels and Retaining Walls."

(2) Plastic and polyethylene corrugated pipe. This pipe shall be dual wall HDPE, or, HP storm high-performance Polypropylene Pipe (PP) corrugated outside with smooth finish inside wall. (Referenced in TDOT Spec 914.10 and 914.12): High Density Polyethylene (HDPE) pipe shall conform to AASHTO M294, Type S [Type S is smooth-walled interior, corrugated exterior] and Polypropylene (PP) pipe shall conform to AASHTO M330. Installation (Referenced in TDOT Spec 607); Joint Performance: (TDOT Spec 607.07): HDPE, PP pipe shall be joined in accordance with ASTM D3212 and meet performance requirements for water-tight joints; Fill heights (Table 6A-1): HDPE, PP pipe shall be utilized in applications that are in accordance with TDOT Table 6A-1 (all roadways with up to sixteen feet (16') of fill height - with the exception of interstate systems and any arterial with full access control); Bedding and Backfill (referenced in TDOT Spec 204.04, 204.11.B): Bedding for pipe culverts shall conform to the requirements of Class A, B, or C bedding, whichever is shown on the plans or in the special provisions; Trench detail (reference in standard detail D-PB-2/Flexible pipe): Specifies Class "B" bedding material, six inch (6") structural backfill over the crown of the flexible pipe, as well as a trench width eighteen inches (18") on either side of the pipe OD. This pipe may be used for site drainage, and may be used under streets at the discretion of the public services director or his/her designee. Plastic pipe may exit from the back side of a street drainage structure and extend off the city R-O-W. The

development HOA shall be responsible for the maintenance of the HDPE or PP plastic pipe outside of the R-O-W. Plastic and polyethylene corrugated pipe shall meet TDOT specifications for pipe material, bedding material, installation, and backfill.

(3) Pipe materials and requirements. All outfall structures and storm sewer drainage pipes located within the roadway right-of-way shall be reinforced concrete pipe (RCP). The minimum size diameter for storm water culvert, is fifteen inches (15"). The minimum slope shall be one-half percent (0.5%) or that necessary to create a full-flow velocity of two feet per second (2 fps).

(4) Pipe bedding. Pipe bedding for concrete pipe shall be #57 or #67 stone, requiring a minimum of six inches (6") inches of stone below the pipe and shaped by a template to fit the lower part of the pipe exterior for at least ten percent (10%) of its overall height. The depth of bedding material is predicated on soil conditions. Pervious materials such as sand, gravel, or stone shall not be used as bedding or backfill around outfall structures or anti-seep collars. Fill material shall be placed around the pipe in four inch (4") layers and compacted until ninety five percent (95%) compaction of the standard proctor is achieved by with the use of mechanical compaction equipment (compact by hand with plate compactor, if necessary). A minimum of two feet (2') of fill shall be hand-compacted around and over the barrel before crossing it with construction equipment. Soil should be hand-tamped around the pipe barrel, especially below the haunches, to achieve good compaction around the pipe and to prevent damage to the joints and anti-seep collars.

(5) Pipe sizes. Normal pipe sizes readily available from suppliers may be used to satisfy drainage requirements. Minimum pipe size for culverts, drains and storm sewers shall be one- and one-half inch (1.5") diameter.

(6) Pipe backfill. Pipe backfill shall be #57 or #67 stone placed to the springline of the pipe in layers not to exceed six inches (6"). For pipe installed in solid rock cut, backfill shall be no less than twelve inches (12") above the top of the pipe. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***, and amended by Ord. #22-11, July 2022 ***Ch20_08-17-23***, and Ord. #2024-14, Sept. 2024 ***Ch14_04-17-25***)

16-235. Storm water end walls and inlets. Pipe culvert end wall treatments may be precast or cast-in-place concrete and are required for all pipe locations within the street right-of-way. (1) End walls for pipe diameters greater than twenty-four inches (24") shall be concrete construction in accordance with the appropriate safety end wall standard drawing (TDOT D-PE series), and shall be fitted with a steel bar safety grate.

(2) End walls for pipe diameters twenty-four inches (24") or smaller shall be concrete construction in accordance with the straight end wall details as shown in the standard drawings. Type U head walls may be used for pipe diameters of twenty-four inches (24") inches or less if approved by the public services director or his or her designee.

(3) To improve the aesthetics of pipe headwalls, textured concrete finishes simulating stacked stone may be used. Additionally, veneers of stone or brick may be applied to exposed surfaces to enhance the appearance from the street. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***, and amended by Ord. #22-11, July 2022 ***Ch20_08-17-23***)

16-236. Storm drainage structures. Storm drainage structures consist of junction boxes, drop inlets, catch basins and manholes which may be constructed as precast concrete sections. Cast-in-place concrete may be used with approval by the public services director. Inlet and outlet pipes shall extend through the walls of structures a sufficient distance to make connections, but shall be cut flush with the inside surfaces of the box structure.

(1) Catch basin castings Catch basin castings that are damaged during construction will be rejected. Castings shall be set true to line and grade. Standard catch basins shall meet the requirements of the standard drawings.

(2) Concrete catch basins. Standard catch basins are precast concrete or cast-in-place where directed by the public services director. Catch basins shall meet the requirements of the standard drawings.

(3) Junction boxes. Standard junction boxes for pipes where required may utilize single and double catch basin standard drawings by omitting the casting entrance in the top surface. Triple catch basins and specialty junction boxes may be used for unusual conditions. Details for these structures may be designed and detailed on the plans or may be referenced to the standard drawings. In either case, these special structures shall be submitted to the public services director for approval.

(4) Additional pipe openings. All boxes, existing or new installation, requiring additional pipe openings shall be neatly cored by means of mechanically core drilling through the wall of structure. Any damages caused to the structure may require replacement. This will be determined by the public services director. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-237. Concrete box and slab culverts and bridges. Box and slab culverts are required when design flows exceed the hydraulic capacity of dual pipe structures or when a clear waterway opening is required. All precast concrete structures must meet the requirements of TDOT Standard Specifications for, Concrete Structures and Non-Metallic Pipe. All cast-in-place concrete structures must meet the TDOT requirements for concrete structures, and concrete reinforcement.

(1) Box culverts. Typically span eighteen feet (18') or less over water with a single or double barrel box structure.

(2) Box bridges. Box bridges are defined as a box culvert type structure with a single box or multiple boxes, but having a total horizontal distance measure parallel to the street centerline of twenty feet (20') or more between inside faces of the outside walls.

(3) Slab culverts and slab bridges. Slab culverts and bridges are differentiated the same as box culverts and box bridges, but are constructed without a bottom slab. Slab culverts and bridges are typically used when bedrock is within three feet (3') or less from the streambed elevation.

(4) Bottom slab placement. Box culverts and bridges are supported on a bottom slab foundation and may be founded on the natural gravel or sand streambeds. The top surface of the bottom slab of box structures shall be located a minimum of two feet (2') below the natural streambed to allow for future streambed degradation.

(5) Precast bridge units. Box and slab culverts and bridges may be precast or cast in place. Precast units speed construction times since only the foundations are required to formed and poured in place and the units are set quickly on the foundations. Where aesthetics is to be considered, precast modular arch type units such as "con/span" are available and often provide greater clear spans than precast box type structures. Both precast box and arch units may be used in multiple span arrangements to convey larger flows.

(6) Riding surface. Where practical, the top surface of the box culvert or bridge should be used as the riding surface of the street. The absence of fill material or asphalt placed on the top slab eliminates the detrimental effects of trapped moisture and extends the life of the concrete slab. Additional concrete thickness must be supplied to provide a clear concrete cover of two and one-half inches (2 1/2") inches over the top mat of reinforcing steel. When the top slab is. used as the riding surface, the exterior curb portions of the standard box bridge designs should be omitted to allow surface water to rain off the slab. A bridge railing system of metal beam guardrail shall be thru-bolted to the top slab and extended off each end of the bridge. See TDOT standard drawings S-GRS-2, S-GRC-1, and SGRC-2 for details of the guardrail attachment. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-238. Drainage requirements. Storm water drainage systems constructed to drain streets accepted into the city street index are eligible for acceptance by the city if designed and constructed in accordance with the City of White House Storm Water Ordinance. Only those storm water structures, appurtenances, and piping located within the city R-O-W of street index roads are eligible for acceptance by the city. As it relates to roadways, the objective of surface drainage is to remove storm water from the traveled roadway as rapidly as possible so that traffic may move safely and efficiently. This is accomplished through careful roadway engineering practices such as using proper cross slopes, longitudinal grades, and cross drainage structures.

In the case of private development design, the planning and design of the overall drainage system should be done simultaneously with the road or street layout and gradient planning and design. Where positive lot drainage is proposed, coordination of the road or street grades and the finished lot elevations must be achieved.

All public and private roadways within the city shall be constructed at least one foot (1') above the 100-year base flood elevation established by FEMA. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-239. Drainage/hydrology calculations. Drainage design requirements are set forth in title 18 and shall be the followed accordingly. Drainage/hydrology calculations are required as part of the construction plan submittal per the requirements set forth in chapter 2 of these specifications. These calculations are required to be endorsed by a Tennessee registered professional engineer.

The maximum allowable headwater to depth ratio shall be 1.5
Calculations should include the following as a minimum for submittal:

(1) Drainage area calculations include area in acres, runoff coefficients, a description of runoff calculation methods used, including rainfall intensity, and runoff (Q) used in calculations.

(2) Culvert cross sections clearly showing invert and outlet elevations, culvert lengths, roadway elevation and lengths.

(3) Energy dissipation design calculations (HY8 dissipater analysis reports will be accepted).

(4) Computer analysis report output. Preferred computer programs are as follows: HY8 (FHWA Culvert Analysis), Hydro-flow Hydrographs, Hydro-flow Storm Sewers, HEC-RAS for bridges and large culverts.

(5) Force effects (including earth pressure, dead load, and vehicular dynamic loading) on buried drainage structures if requested by the engineer.

(6) Summary of high water elevations if open channel flow is present. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-240. Plans. Complete construction plans and specifications together with all appropriate design calculations are to be submitted and approved prior to the commencement of construction. Plans are to be provided in digital format on computer disc as well as on twenty-four inch by thirty six inch (24" x 36") sheets. Plans are to be on state plane coordinates in accordance with the City of White House's submission standard and to contain the following information:

(1) Plan.
(2) Profile.
(3) Horizontal curve data.
(4) Vertical curve data.
(5) Grades.
(6) Stations of all PJs, PCs, PTs and intersections.
(7) Existing and proposed grades at half station.
(8) Typical cross section.
(9) Drainage structures.
(10) Utilities - all known or proposed (gas, phone, cable, electric, sewer and water).
(11) Signing plan.

(12) Pavement marking plan.

(13) Length of proposed roadways rounded to 0.01 mile. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-241. Record drawings. Record drawings on computer disc are to be provided before final approval will be issued. Record drawings will consist of three (3) sets of drawings and digital copies in PDF, DWG, and Shapefile formats. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-242. Dedication. Roadways designed and constructed in accordance with these standards and approved by the public services director and public services director in accordance with the street acceptance policy may be dedicated to the City of White House for maintenance. This is accomplished through the submittal and acceptance of a recorded deed for the R-O-W. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-243. Constructions zones. Within the city easements/R-O-Ws:

(1) Structural zones. Any area that will or may receive an additional loading of weight or energy. To include all roads, road easements, detention or retention ponds.

(2) Non-structural zones. Landscaped storm drain easements. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-244. Inspection. All elements of roadway and storm drain system construction, in both structural and non-structural zones must be inspected and approved by the public services department as a prerequisite for acceptance by the City of White House. This will include:

(1) Sub grade surface.
(2) Storm drain system and all elevated structures.
(3) Detention/retention ponds.
(4) Embankments.
(5) Utilities within the structural zone.
(6) Utilities in landscaped zones.
(7) Sub grade for roads.
(8) Finished grade of road easement/R-O-W.
(9) Sub base.
(10) Base course.
(11) Asphalt paving.

It is the contractor's responsibility to insure the public services department is notified upon completion of each phase of construction and has the opportunity to make their inspections before proceeding to the next phase.

It should be understood that the inspections conducted by the public services department are for the protection of the City of White House only. They are not intended to certify the contractor's satisfactory discharge of his contractual obligation to the owner, nor do they relieve the project engineer from

any of his responsibilities with regard to inspection and contract administration. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-245. General instructions to contractors. The following procedures for implementation of the city's inspections and final approval shall be followed. It is recommended that these instructions be included in the contract documents for the construction contract.

(1) Applicability. As a prerequisite to city approval and acceptance of new streets, all phases of construction must be inspected and approved by the public services department.

(2) Specifications. All construction and materials shall comply with the latest edition of the City of White House Standard Specifications for Roadway Construction unless specifically noted otherwise herein. These requirements and city specifications shall supersede the public services department specifications in the event of a discrepancy.

(3) Testing. The contractor is responsible for providing all geotechnical and materials testing and the accompanying documentation at no cost to the city. All testing is to be performed by a licensed certified agency and signed off on by the engineer. All testing is to be identified on forms as to the exact location (SD numbers, street name, station numbers, and elevation in regards to finished grade.) The city will be responsible for providing its own quality assurance testing. Unless otherwise stated herein, the proctor densities required under these procedures are standard proctor densities.

(4) Notification. After receiving approval of street, storm drainage and sediment and erosion control plans, the contractor or engineer must contact the public services department with a start date for construction at least forty-eight (48) hours in advance. Upon completion of site clearing and grubbing and erosion control installation a mandatory site meeting will be held. Meeting is to be arranged by the contractor or project engineer. Meeting shall be attended by project engineer, contractor, developer, geotechnical engineer, director of public services, and any utilities that will or may encroach on/into a structural zone. (Attendee must be a responsible representative, meeting should be timely planned and the city notified at least forty-eight (48) hours in advance.)

(5) Erosion control. Before starting any grading work, install sediment and erosion control measures per the approved plans to protect any downstream water bodies. The contractor is responsible for implementation and weekly or bi-weekly monitoring of the sediment and erosion control plan in accordance with the City of White House MS4 and TDEC Regulations, insuring inspection logs are available on site at all times, and for insuring that silt and sediment do not leave the site.

(6) Inspections. Requests for any inspection must be arranged with the public services department twenty-four (24) hours in advance.

(7) Other regulations. The developer and contractor are also responsible for compliance with all applicable regulations administered by other agencies such as:

(a) TDEC.
(b) Corps of Engineers.
(c) TDOT.
(d) City planning and codes.

The public services department may withhold approval at any stage of construction, including final approval, for failure to comply with these regulations. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-246. Required geotechnical testing and city inspections. Mandatory initial sub grade surface inspection: After clearing and rough grading of streets but prior to placement of any storm drain or fill for road way embankments, a mandatory sub grade surface inspection is required.

The developer, contractor, project engineer, geotechnical engineer, any utilities that may be working within a structural zone and the public services department should be present. This inspection shall be set up by the contractor or the project engineer. A rubber-tired backhoe or motor grader are needed for this inspection in order to confirm that all stumps, roots and unacceptable soils have been removed. A proof-roll may be conducted during this inspection at the discretion of the public services department or geotechnical engineer. Underdrain requirements may also be identified at this point. All deficiencies identified during this inspection must be corrected by the contractor before the next inspection is requested. The consulting engineer or geotechnical engineer as well as the public services department and contractor should be represented. This inspection shall be set up by the contractor or the consulting engineer.

(1) Trenching and backfilling. Storm drain trench bedding and backfill must be a TDOT approved material, be visually inspected, and signed off on by the geotechnical inspector and a copy of the inspection must be sent to the city. The contractor shall notify the public services department when backfilling of storm drainage or utility excavations within a structural zone is to take place. Backfill in these excavations shall be compacted at the proper moisture content in lifts not exceeding six inches (6"). The contractor shall provide geotechnical testing and documentation, at no cost to the city, confirming that all backfill has been compacted to at least ninety-five percent (95%) of maximum proctor density.

(2) Trenches in the structural zone. Such trenches are to have density testing every two hundred feet (200') or any portion of that, testing to be performed after final elevation of the subgrade is in place.

(3) Trenches in a non-structural zone. Such trenches are to have a density testing beginning at pipe haunches both sides every two hundred feet (200'), or any portion of that, testing to be performed after final elevation of the subgrade is in place.

Density requirement in a non-structural zone to be ninety-five percent (95%) of maximum proctor density within the pipe zone and eighty-five percent (85%) from top of pipe zone to finished grade. The public services director is to be copied on all testing. If not properly notified, or if the test results are

unsatisfactory, the public services department may require excavation and recompaction of the backfill. No proof-roll of the sub grade will be scheduled until the backfill compaction has been documented.

(4) Erosion control. Install sediment and erosion control measures in accordance with the approved storm water pollution prevention plan.

(5) Storm drain boxes/basins. (a) Boxes inside a structural zone - fill around boxes to have one (1) density test of fill placed. Density test must meet ninety-five percent (95%) of maximum proctor density.

(a) Boxes inside a non-structural zone - fill around boxes to have one (1) density test of fill placed. Density test must meet eighty-five percent (85%) of maximum proctor density. Public services director is to be copied on all testing.

(6) Embankments. All stumps and large roots must be removed from the roadbed prior to placement of fill for embankments regardless of fill height. All roadway embankment and embankment fill must be approved by and signed off on by the geotechnical engineer. Roadway embankments fill to be placed and compacted in lifts not exceeding eight inches (8").

The contractor is responsible for providing geotechnical testing and documentation that the embankment material has been compacted to ninety-five percent (95%) of maximum proctor density.

Density testing of embankment fills to be performed every two hundred fifty feet (250') alternating lanes with a minimum of two (2) tests per road, per one foot (1') of fill. The public services department is to be copied on all testing. No proof roll of the sub grade will be scheduled until the compaction has been documented.

(7) Curb and gutter proof-roll. Curb and gutter must be placed on compacted and approved sub grade or base material. Prior to scheduling a curb and gutter proof-roll the public service's department office must be in receipt of all density testing data required to be completed at this stage of construction. The geotechnical inspector, contractor, project engineer and public services director, or his/her designee, shall be present for this proof-roll.

(a) NOTE: Upon completion of a passing curb and gutter proof-roll, absolutely no excavation or trenching is to be done in a Structural Zone (roadway or roadway easement) without the approval of the public service's department office.

No base course material or curbs should be placed prior to written approval of the sub grade from the public service's department office.

(b) NOTE: Any completed and approved sub grade left exposed for over two (2) weeks or damaged by inclement weather must be re-inspected and approved by the public service's department. This may include another proof-roll if necessary in the judgment of the public service's department.

Any excavation within a tested and city approved sub grade shall be treated as new excavation and complete density testing and proof-rolling requirements must be met.

(8) Catch basins. The location and orientation of the catch basins relative to the curb and gutter, as well as the roadway width, should be confirmed at this time. Catch basins improperly placed must be relocated and/or reconstructed. All catch basins must have a temporary drain by which standing water can be drained from the surface of the sub grade and base during construction. These drains must be properly plugged before the final inspection is requested. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-247. Signs. Traffic control signs and name signs on new streets are to be installed by the developer in accordance with an approved signing plan as a prerequisite for acceptance by city. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-248. Final approval. Final approval and acceptance shall comply with the city street acceptance policy. The planning commission shall review and provide recommendation to the board of mayor and aldermen, after which the board of mayor and aldermen must formally approve public acceptance before a maintenance bond is allowed to be submitted.

(1) Final inspection. After the paving is completed and all utility, storm drainage and associated work is complete, a final inspection can be scheduled. The following items should all be completed before a final inspection is requested:

(a) Permanent grass on road shoulders; cut and fill slopes and easements.

(b) Street name signs (city standard or an approved alternate)

(c) Traffic control signs (per TN MUTCD).

(d) Pavement marking (thermoplastic unless otherwise directed by the public services department).

(e) As-built drawings.

(2) Documentation. As a prerequisite to conducting the final inspection, the following must be provided:

(a) Digital submission of as-built plans.

(b) Twenty-four inch by thirty-six inch (24"x36") hard copy of as-built plans.

(c) Recorded R-O-W deeds and/or final subdivision plat showing recorded R-O-W for roads and drainage system.

(d) One (1) year warranty bond for road and drainage systems

(e) Documentation of asphalt verification testing.

(3) Punch list. A written punch list of deficiencies found during the final inspection will be provided. All items should be completed before requesting a re-inspection. Failure to comply with any of the above listed requirements could render the streets and storm drainage systems ineligible for acceptance by city. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

16-249. <u>Encroachment permits</u>. An encroachment permit, approved by the public service's department, is required for all construction, undertaken by parties other than the public services department or its authorized contractor, within or affecting the R-O-W of any city maintained road. This requirement applies, but is not be limited, to:

(1) Driveway connections involving a curb cut or pipe installation.
(2) Curb cuts.
(3) Utility taps.
(4) Utility crossing.
(5) Storm drainage installation.
(6) Storm drainage discharge.
(7) Subdivision entrance signs or gateways.

The permittee is required to indemnify the city for any liability incurred or damages sustained as a result of the encroachment.

The permittee is responsible for:

(8) Notifying the public service's department when construction begins on an encroachment.

(9) Ensuring that a copy of the encroachment permit is on the construction site.

(10) Ensuring that the construction and the restoration of the roadway have been approved by the public services department office.

(11) All construction.

The encroachment permit application form may be obtained from the public service's department. (as added by Ord. #19-02, April 2019 ***Ch18_12-19-19***)

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER
1. REFUSE.
2. BRUSH COLLECTION – BULK RUBBISH PICK-UP.

CHAPTER 1

REFUSE

SECTION
17-101. Purpose.
17-102. Definitions.
17-103. Rules and regulations to implement.
17-104. Premises to be kept clean.
17-105. Garbage dumpsters and carts.
17-106. Swill, handling of.
17-107. Disposal of garbage and other refuse.
17-108. Collection, contraction of.
17-109. Refuse collection.
17-110. Disposal or burning.
17-111. Cart weight.
17-112. Animals.
17-113. Fee schedule.
17-114. Oversized wastes.
17-115. Disposal of waste.
17-116. Hours of collection located near residential buildings.
17-117. Nurserymen – duty to remove trash.
17-118. Fee schedule.
17-119. Littering prohibited.
17-120. Prohibited substances and practices.
17-121. Back door service.
17-122. City empowered to collect refuse.

17-101. Purpose. This chapter is determined and declared to be a sanitary measure for the protection and promotion of the health, safety and welfare of the Citizens of White House, Tennessee. (1979 Code, § 8-201, as replaced by Ord. #05-35, Nov. 2005, and Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-202. Definitions. (1) "Apartment units." The term "apartment units," as hereinafter referred to in this chapter shall mean and include all multi-family

dwellings where more than one (1) family unit is in one (1) complex located in the city limits of the City of White House and shall include duplexes and triplexes as well as multi-unit apartments and shall include government subsidized apartments.

(2) "Back door service." All handicapped, disabled, or elderly (over the age of sixty-five (65)) customers, who have provided verification to the owner/collector from a physician as to their inability to transport carts to the curbside, may place carts at their front doorstep to be visible from the street, or at a location as may be determined by the owner/collector. Back door service is provided at no additional charge to owner or persons with a disability and with no able-bodied person in the household.

(3) "Bulk rubbish." The term "bulk rubbish," as hereinafter referred to in this chapter shall include but not be limited to wooden and cardboard boxes, crates, furniture, bedding, appliances, and certain other household items, such as stoves, water tanks, washing machines, furniture bedding and other refuse items which by their size and shape cannot be readily placed in city approved cart.

(4) "Cart." The term "cart," as hereinafter referred to in this chapter shall mean containerized carts distributed and owned by the City of White House and its current collector provided to the residents of the City of White House.

(5) "Collector." The term "collector," as hereinafter referred to in this chapter shall mean a qualified contractor, its designee, or private collecting company, that collects, transports, or disposes of any refuse within the corporate limits of the City of White House, Tennessee.

(6) "Construction waste." The term "construction waste," or "Construction and Demolition" (C&D) as hereinafter referred to in this chapter shall include but not be limited to materials from construction, demolition, remodeling, and construction site preparation, including but not limited to rocks, brick, dirt, roofing, wood, debris, fill, plaster, guttering and all types of scrap materials.

(7) "Commercial waste." The term "commercial waste," as hereinafter referred to in this chapter shall include solid waste resulting from the operation of any commercial, industrial, institutional, or agricultural establishment, and multiple housing facilities or any entity that produces more refuse than will fill no more than two (2) ninety six (96) gallon carts per week. Commercial establishments shall be responsible for removal of their solid waste or shall contract with a private collector having a valid permit or license to do business within the city.

(8) "Cooking waste." The term "cooking waste," as hereinafter referred to in this chapter shall include putrescible and non-putrescible materials originating from the preparation, cooking, and consumption of food.

(9) "Dumpster." The term dumpster, as hereinafter referred to in this chapter shall mean two (2) yards or higher capacity receptacles, usually constructed primarily of steel.

(10) "Electronic waste," sometimes called "e-waste," includes all devices that require electricity to operate. If it plugs in, charges up, or takes batteries, it's considered e-waste when it breaks. Please check local and state regulations for proper disposal.

(11) "Ferrous metal." The term "ferrous metal," as hereinafter referred to in this chapter shall include but not be limited to metals, white goods, appliances, including, but not limited to stoves, metal roofing, siding and other metal items.

(l2) "Garbage." The term "garbage," as hereinafter referred to in this chapter shall include putrescible wastes, except sewage and body wastes, including vegetable and animal offal (organs) and carcasses of dead animals, but excluding recognizable industrial by-products.

(13) "Owner." Hereinafter referred to the City of White House.

(14) "Public services director." The person (or his designee) hired by the city for the position of public services director and has the responsibility of overseeing the public services department, including refuse collection and/or sanitation division.

(15) "Producer." Either the person responsible for the ashes, garbage, refuse, industrial waste, and any other waste material or the occupant of the place or building in which such is produced or in which the person responsible for such has a place of business or residence.

(16) "Recyclables." The term "recyclables," as hereinafter referred to in this chapter shall include magazines, office paper, brown paper bags, paperboard, junk mail, phone books, newspapers, aluminum cans, tine or steel cans, cardboard, plastic bottles and containers #1-7, or others that may from time to time be added or removed by the City of White House as markets and innovations allow.

(17) "Refuse." The term "refuse," as hereinafter referred to in this chapter shall include garbage, rubbish, ashes, and all other combustible and non-combustible materials, market refuse, waste from the handling and sale of produce and other similar unwanted materials, but shall not include sewage, bulk rubbish, body wastes or recognizable industrial byproducts. Refuse shall also mean and include all garbage, rubbish and waste as those terms are generally defined except that dead animals, fowls and body wastes are expressly excluded therefrom and shall not be stored there within.

(18) "Residential units." The term "residential units," as hereinafter referred to in this chapter shall mean solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities. The City of White House shall be the sole provider of residential solid waste collection in the city limits.

(19) "Rubbish." The term "rubbish," as hereinafter referred to in this chapter shall include non-putrescible waste materials that are not recyclable.

(20) "Small commercial customers." The term "small commercial customers" as hereinafter referred to shall mean commercial customers not requiring dumpster service. An entity that produces more than two (2) ninety six (96) gallons carts per week of refuse will not be considered a "small commercial customer". Small commercial establishments may participate in the city's refuse collection program, remove their own solid waste, or contract with a private collector having a valid permit or license to do business within the city.

(21) "Yard waste." The term "yard waste," as hereinafter referred to in this chapter shall include but not be limited to grass clippings, leaves, tree and shrubbery trimmings, and other related yard waste materials. (1979 Code, § 8-202, as replaced by Ord. #05-35, Nov. 2005, Ord. #05-35, Nov. 2005, and Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-103. Rules and regulations to implement. The public services director may make such necessary or desirable rules and regulations as are consistent with the provisions of this chapter to aid in its administration and to ensure compliance and enforcement. (1979 Code, § 8-203, as replaced by Ord. #05-35, Nov. 2005, amended by Ord. #07-18, June 2007, and Ord. #16-23, Jan. 2017, and replaced by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-104. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from the accumulation of refuse except when stored as provided in this chapter. It shall be the duty of every person in possession, charge, or control of any premises of a residential establishment, where refuse is created or accumulated to keep or cause to be kept at all times in carts, specified herein, for the deposit of refuse generated on the premises.

All persons are hereby required to store such refuse in garbage carts or dumpsters between the intervals of collection or to dispose of such material in a manner prescribed by the provisions of this chapter so as to not cause a nuisance or become injurious to the public health and welfare.

No person should place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the city except it be in proper carts or dumpsters for collection or under express approval granted by the public services director. Nor shall any person throw or deposit any refuse in any stream or other body of water.

Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. The planning and codes department shall be notified when unauthorized refuse is found and to be accumulating on any premises.

No person shall cast, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements

upon any street, sidewalk, alley, sanitary sewer system, drain, stormwater system, stream, ditch, greenway, or other public place, or into any occupied premises within the city. (1979 Code, § 8-204, as replaced by Ord. #05-35, Nov. 2005, amended by Ord. #16-23, Jan. 2017, and Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-105. Garbage dumpster and cart. Each owner, occupant, or producer using or occupying any building or other premises within the City of White House where garbage, refuse, or trash accumulates or is likely to accumulate, shall provide and keep covered an adequate number of garbage or refuse dumpsters or carts for the storage of such refuse.

(1) Policy for garbage cart collection. The City of White House hereby establishes a policy for the collection of refuse through a contractor with the use of a semi-automated/automated garbage system. The policy of placement of the carts and contents shall be as follows:

(a) This policy shall apply for all single-family residential customers, condominiums, town homes, multi-family dwellings, certain apartment units and government subsidized apartment units and small commercial establishments that can be served by the regular residential collection truck as follows:

(i) All refuse must be placed in the cart with lid closed and placed at the curb on public city street before 5:30 A.M. on the designated collection day and removed the same day. If possible, please have your cart(s) out and ready to be serviced the night before your scheduled pickup date.

(ii) One (1) pickup per week will be provided

(iii) One (1) cart for garbage/refuse and one (1) cart for recycling shall be given to each costumer. One (1) additional cart for garbage/refuse can be purchased at the standard monthly rate. If the allowable number of carts is insufficient, other arrangements must be made for the removal and disposal of the refuse.

(iv) Disturbing cart(s). No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb any refuse cart belonging to another.

(v) Condition of cart(s). When refuse is placed in or taken from the carts, the lids shall promptly be replaced. Each cart shall be kept clean and free of odor.

(vi) All trash must be bagged and fit inside your cart with the lid closed.

(vii) Place your cart at least three feet (3') away from all objects including your second cart (if applicable), mailbox, car or trees. The lid opening should face the street with the wheels of the cart toward your house. Do not place cart in road to obstruct the flow of traffic. (1979 Code, § 8-205, as replaced by Ord. #05-35,

Nov. 2005, amended by Ord. #16-23, Jan. 2017, and replaced by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-106. Swill, handling of. It shall be unlawful for any person, firm or corporation conducting any hotel, restaurant, or any public eating place to deposit, throw or place swill or other refuse food matter in the sanitary sewer system, stormwater system, alley, street, or other public place or to deposit, throw or place any swill upon any private property, trails, or streams, regardless of the ownership, unless the swill is enclosed in vessels or tanks of approved type by the public services director and which shall be watertight and shall have tightly fitting covers, which covers shall not be removed except when necessary for depositing or removing swill. Vessels and tanks shall be kept readily accessible for collection. (1979 Code, § 8-206, as replaced by Ord. #05-35, Nov. 2005, and Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-107. Disposal of garbage and other refuse. All disposal of refuse shall be by method or methods approved by the city and such disposal shall also conform to all laws of the State of Tennessee regulating the disposal of refuse. (1979 Code, § 8-207, as replaced by Ord. #05-35, Nov. 2005, and amended by Ord. #16-23, Jan. 2017, and replaced by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-108. Collection, contraction of. The City of White House, as the need arises, may advertise for bids for a contract covering the exclusive right to collect, remove and dispose of all domestic refuse from the city or any specific portion thereof under such terms and conditions as the owner may set in the bidding specifications. The contract shall be for a period of not more than two and five (2 and 5) year increments totaling ten (10) years. Advertising shall precede bid opening by at least thirty (30) days. The board of mayor aldermen may reject any and all bids and may award the contract based upon any of the following factors:

(1) Bid price.

(2) Qualification, reputation, education, training, experience and financial ability of the bidder and its key employees and owners.

(3) The place of residence and accessibility of the owners, managers, supervisors and/or the other employees. (1979 Code, § 8-208, as replaced by Ord. #05-35, Nov. 2005, and Ord. #23-03, March 2023, ***Ch20_08-17-23***)

17-109. Refuse collection. No company or person shall haul refuse within the city other than in a vehicle having a tight refuse compartment including a tight cover so that no leakage of liquids onto the street or blowing of trash and paper shall occur. Refuse collected by the City of White House or its designated agent shall become the property of the City of White House upon

collection. (1979 Code, § 8-209, as replaced by Ord. #05-35, Nov. 2005, amended by Ord. #16-23, Jan. 2017, and Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-110. Disposal or burning. It shall be unlawful for any person to burn, dump, or in any manner dispose of garbage, refuse, rubbish, swill, ashes or other waste upon any streets, alleys, public places, trails or streams, or private property within the city. The disposal of refuse in any quantity by any person in any place, public or private, other than at a site or sites designated for refuse disposal is expressly prohibited. (1979 Code, § 8-210, as replaced by Ord. #05-35, Nov. 2005, and Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-111. Cart weight. Residential users of trash pickup shall not load carts to a weight in excess of fifty (50) pounds. (1979 Code, § 8-211, as replaced by Ord. #05-35, Nov. 2005, and Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-112. Animals. Animal owners shall restrain any animal known to be vicious so that they cannot reach refuse cart or intercept collector coming onto the property to pick up refuse. (1979 Code, § 8-212; as replaced by Ord. #05-35, Nov. 2005, and Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-113. Fee schedule. Refuse collection fee. Each customer who owns or rents property within the corporate limits shall pay a refuse collection fee of twenty-four dollars ($24.00) per month per container for curbside pickup. Any commercial business with more than two (2) containers must contract refuse pickup with a private hauler. (as added by Ord. #05-35, Nov. 2005, amended by Ord. #07-18, June 2007, Ord. #14-12, June 2014, Ord. #16-23, Jan. 2017, Ord. #20-09, June 2020 ***Ch19_01-20-22***, Ord. #21-07, June 2021 ***Ch19_01-20-22***, and replaced by Ord. #23-03, March 2023 ***Ch20_08-17-23***, and Ord. #23-11, June 2023 ***Ch20_08-17-23***)

17-114. Oversized wastes. Oversized wastes including but not limited to Christmas trees, appliances, and mattresses are not included in regular refuse service. (as added by Ord. #05-35, Nov. 2005, and replaced by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-115. Disposal of waste. All persons or companies collecting solid wastes within the City of White House are directed to deliver the solid waste at such places as designated by the Board of Mayor and Aldermen of the City of White House. The term "solid waste" shall include trash, garbage, chipped tree limbs, leaves and other waste products which would otherwise be transported to a landfill or other suitable dumping site for disposition. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-116. Hours of collection located near residential buildings. No person shall empty or remove any carts used for the accumulating of garbage or handling of rubbish between the hours of 10:00 P.M. and 6:00 A.M. when said containers are located within one hundred feet (100') of any building or structure used for residential purposes. Carts used for commercial purposes installed or placed after the effective date of this ordinance shall have contact information in a clearly visible location on such cart. Provided, however, the prohibition of such activity shall not be applicable when specifically permitted by the director of public services. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-117. Nurserymen – duty to remove trash. Every nurseryman, commercial tree and landscaping service, non-resident, or other person who cuts trees or trims shrubs or grass as an independent contractor of the occupant of the premises, shall remove or cause to be removed all such trash from the premises serviced by him. If you hire or solicit someone to cut your brush, be sure that the cost of hauling the brush, yard waste and other debris away is included in the price and that it is hauled away by the company. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-118. Fee schedule. (1) Garbage/refuse and recyclable collection fee. Each customer who owns or rents property within the corporate limits shall pay a refuse and recyclable collection fee of nineteen dollars ($19.00) per month. Residents may add a second refuse cart and pay an additional nineteen dollars ($19.00) per month. Any commercial business with more than two (2) carts must contract refuse pickup with a private hauler.

(2) Residents and commercial accounts that have city provided solid waste disposal service shall be permitted two disposal drop-offs per calendar year at the public services convenience center, not including bulk rubbish. The material load shall be limited to a pickup truck, or a trailer no larger in size than four by eight feet (4' x 8'). Proper ID is required at time of drop-off. This convenience center provides a suitable way for White House residents to dispose of excess residential trash, recyclables, compostable, and other waste items that are not accepted in our curbside trash program. Vehicles with commercial tags will not be allowed to enter.

(3) Once the two (2) permitted dumps are used the fee schedule for bringing refuse to the public services facility, not including bulk rubbish is as follows:

Single item: $15.00
Pick-up truck load or 4' x 8' trailer: $50.00

(4) Residents that have city provided refuse service are allowed to bring brush and limbs to the public services facility at no additional charge. Bio-degradable brown paper lawn/leaf bags are available at the public works facility at no additional charge. Limit ten (10) bags per household on any given day.

(5) Semi-annually the city holds a bulk rubbish drop-off day from 8 A.M. to 12 P.M. that occurs on the second Saturday in January and June. Residents that have city provided solid waste disposal service shall be allowed to dump with proper ID.

(6) Recycling drop-off is open during regular business hours Monday through Thursday 7:15 A.M. to 5:15 P.M. to all White House residents to recycle metal (tin cans, iron, aluminum, steel, copper, brass). A separate roll off for recycling according to the signage that states "metal only" is located at the convenience center/public services facility. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-119. Littering prohibited. (1) General prohibition. No person shall throw, deposit or accumulate litter in or upon any public place or private premises as hereinbefore defined within the city, except while such person is temporarily engaged in clearing the public place or private premises of litter or improving the public place or private premises.

(2) Litter on streets prohibited. No person or persons shall leave, discard, deposit, throw away or cause to be left, discarded, deposited or thrown away, any container of any type material, waste, food paper, wood, trash or any refuse upon any street, on/off ramps, alley, gutter, sidewalk or greenway.

(3) Deposit of sweepings upon street prohibited. It is unlawful for any person, firm, company or corporation to deposit upon any sidewalk or street within the city any sweepings from any sidewalk, stairway or other opening leading to the street or sidewalk. All such sweepings or materials from any sidewalk or any other opening leading to the street or sidewalk within the city shall be removed in a pan, shovel or other container and placed in a receptacle for rubbish.

(4) Littering parks prohibited. No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(5) Depositing litter on occupied private property prohibited. No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not; except, that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(6) Deposit of litter on vacant lots prohibited. No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

(7) Debris dropped from vehicles prohibited on streets. No person shall throw, deposit or drop, or cause to be thrown, deposited or dropped, any dirt, debris, boulders, pebbles, hardpan, rock, glass or any material whatsoever on any street in the city, or permit any dirt, debris, pebbles, hardpan, rock, boulders, or glass to drop, roll or leak from any vehicle on any street in the city. It is unlawful for any person to place upon the surface of the street, alley or public place in the city any nails, broken glass, sharp implements, crushed rock, or any other substance tending to cause injury to the tires of vehicles passing along such street, alley or public place. In the event that such debris is deposited on any street in the city, the director of public services shall require the person responsible to immediately remove the debris and clean the street right-of-way. In the event that the city undertakes to affect such cleanup, the cost thereof shall be charged to the person responsible.

(8) Throwing litter from vehicles prohibited. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(9) No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within or partly within the city.

(10) Scattering waste paper, lunch remains, etc. To leave or scatter about any boxes, empty or otherwise, waste paper, remains of lunches, newspaper or rubbish of any kind, except that such material and matter may be left and deposited in receptacles provided for such purpose.

(11) Every person operating a tow vehicle on public or private streets or alleys is responsible for the pickup and removal of all residue from vehicle collision scenes, from which such operator is engaged in the removal of damaged vehicles. Such pickup shall be done at the time of the vehicle removal. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-120. Prohibited substances and practices. (1) The following substances are hereby prohibited and shall not be deposited in garbage carts or dumpsters:

(a) Flammable liquids, solids or gases, such as gasoline, benzine, alcohol or other similar substances.

(b) Any material that could be hazardous or injurious to collector or owner which could cause damage to city/collector equipment.

(c) Construction and Demolition (C&D) waste which shall include materials from construction, demolition, remodeling, construction site preparation, including but not limited to rocks, trees, debris, dirt, bricks, fill, plaster, and types of scrap building materials.

(d) Hot materials such as ashes, cinders, etc.

(e) Human or animal waste shall be prohibited from being placed in garbage container.

(f) Infectious waste, hypodermic needles, syringes, Pasteur pipettes, broken glass, scalpel blades, etc. used in patient care or which have come into contact with infectious agents unless placed in approved medical waste containers.

(g) Animal carcasses, body parts (including fluids), and bedding of animals.

(h) The city does not take any type of electronics including but not limited to TVs, computers, office equipment, audio and visual equipment, telephones and cell phones. If it plugs in, charges up, or takes batteries, it cannot be accepted.

(i) No carpet, padding or associated materials shall be accepted.

(j) No household hazardous waste shall be accepted.

(k) Prohibited substances encompasses the refuse service and convenience center located at the public services facility.

(2) No appliance or machinery containing any gaseous substances will be taken.

(3) The following unlawful practices are hereby prohibited:

(a) It shall be unlawful for any person, other than the occupant-user, to move, remove, upset, scatter, tamper, use, carry away, deface, mutilate, destroy, damage, or interfere with the garbage cart.

(b) It shall also be unlawful for any person to dump waste or grass upon any street, alley, or public place or public way.

(c) The disposal of refuse in any quantity by any person in any place, public or private, other than at a site or sites designated for refuse disposal is expressly prohibited. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-121. <u>Back door service</u>. Application for back door service can be picked up at the public services department or filled out online at the city's website. All requests must be approved by the public services director. Requests can be made by any resident who:

(1) Qualifies as defined by or in the § 17-102(2).

(2) Any resident that is located three-hundred feet (300') or more from the street

(3) Any resident that can clearly show that they have an uncommon reason for the request. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-122. <u>City empowered to collect refuse</u>. The city is hereby empowered to carry out all the terms and provisions of this chapter and to collect and dispose of refuse in the manner provided herein. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

CHAPTER 2

BRUSH COLLECTION – BULK/RUBBISH PICK-UP

SECTION

17-201. Purpose.
17-202. Definitions.
17-203. Leaf and limb removal service.
17-204. Bulk/rubbish pick-up service.
17-205. Nurserymen – duty to remove trash.
17-206. Fee schedule.
17-207. Prohibited practices.
17-208. Permitted practices.

17-201. Purpose. This chapter is determined and declared to be a sanitary measure for the protection and promotion of the health, safety and welfare of the Citizens of White House, Tennessee. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-202. Definitions. (1) "Bulk rubbish." The term "bulk rubbish," as hereinafter referred to in this chapter shall include but not be limited to wooden and cardboard boxes, crates, furniture, bedding, appliances, and certain other household items, such as stoves, water tanks, washing machines, furniture bedding and other refuse items which by their size and shape cannot be readily placed in city approved containers.

(2) "Brush collection." Brush collection takes place throughout the year but may be altered during leaf collection periods. The city defines brush as tree trimmings, shrubbery (with no roots), limbs, etc., generated by routine maintenance of a property by the homeowner.

(3) "Collector." The term "collector," as hereinafter referred to in this chapter shall mean a City of White House, qualified contractor, its designee, or private collecting company, that collects, transports, or disposes of any refuse within the corporate limits of the City of White House, Tennessee.

(4) "Electronic waste" sometimes called "e-waste," includes all devices that require electricity to operate. If it plugs in, charges up, or takes batteries, it's considered e-waste when it breaks. Please check local and state regulations for proper disposal.

(5) "Knuckle boom or grapple truck." Hereinafter is referred to a truck that has a grapple loader or boom that is used for loading brush and bulky material.

(6) "Owner." Hereinafter referred to the City of White House

(7) "Producer." Either the person responsible for the ashes, garbage, refuse, industrial waste, and any other waste material or the occupant of the

place or building in which such is produced or in which the person responsible for such has a place of business or residence.

(8) "Yard waste." The term "yard waste," as hereinafter referred to in this chapter shall include but not be limited to grass clippings, leaves, tree and shrubbery trimmings, and other related yard waste materials. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-203. <u>Leaf and limb removal service</u>. (1) It shall not be the responsibility of the refuse collecting agency of the city to shovel or pick up leaves or lawn clippings. It shall be the responsibility of the property owner to bag their lawn clippings and leaves in a city approved, eco-friendly, compostable bag. The city shall make the approved eco-friendly bags available to the residents at no additional cost. The approved bags will be made available at the public services facility (725 Industrial Drive). Bagged material that is not in the city approved bags shall not be collected, or accepted, at the public services drop-off facility. Furthermore, it shall not be the responsibility of the collecting agency of the city to remove any trunks or limbs of trees unless said brush shall have been cut into lengths of not more than six feet (6'). The trunks or limbs of trees measuring six inches (6") or more in diameter shall be cut into lengths of no more than two feet (2') and of a weight of no more than fifty (50) pounds, and all of said material shall be piled at curbside. The city pickup based on availability for limb and leaf collection at a maximum of once per month.

(2) Brush piles must be piled straight, and placed behind or on the curb for collection.

(3) Do not place brush on center medians or islands.

(4) Do not place brush next to objects such as fences, guy wires, and poles or under trees. Equipment is restricted in those areas.

(5) Brush may not be mixed with other debris. If mixed with dirt, rocks, lumber, etc., brush will not be collected until properly separated

(6) Do not obstruct or place brush on sidewalks, or pedestrian walkways. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-204. <u>Bulk/rubbish pick-up service</u>. Residents that have refuse service with the city are subject to call the public services office for bulk pick-up items. Public services director or his designee will approve or disapprove pickup based on availability and items being removed. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-205. <u>Fee schedule</u>. Customer requested fee for pickup and disposal at the Public Services Facility:

Single item = $30.00

Pick-up truck load = $100.00 (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-206. Nurserymen – duty to remove trash. Every nurseryman, commercial tree and landscaping service, non-resident, or other person who cuts trees or trims shrubs or grass as an independent contractor of the occupant of the premises, shall remove or cause to be removed all such trash from the premises serviced by him. If you hire or solicit someone to cut your brush, be sure that the cost of hauling the brush, yard waste and other debris away is included in the price and that it is hauled away by the company. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-207. Prohibited practices. (1) Using plastic bags for grass and leave clippings.

(2) Placing brush, clippings and/or leaves in medians or where they can be washed into a storm sewer, catch basin or stream and clog up drainage systems.

(3) Blow or sweep leaves, grass clippings, and other yard debris onto city streets, sidewalks or bike lanes.

(4) Stack brush against mailboxes, trees, fences, utility poles, guardrails or other stationary objects.

(5) Put lumber, household trash and other types of debris in your brush pile.

(6) Bamboo over eight feet (8') long

(7) Limbs more than four inches (4") in diameter or longer than six feet (6').

(8) Tree stumps more than six inches (6") in diameter or longer than two feet (2') not exceeding fifty (50) pounds. Stumps with dirt and root balls will not be collected.

(9) Brush piles too far from the curb or city right-of-way will not be collected.

(10) Electronics will not be accepted at the city's bulk drop off sites. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

17-208. Permitted practices. (1) Set brush and/or yard waste out before the scheduled start date in your area where your garbage is collected (at the curb or in the alley).

(2) Place leaves and grass clippings in biodegradable paper bags only.

(3) Only place limbs, branches and true yard waste by the curb for brush crews.

(4) Large branches can only be up to six inches (6") in diameter and two feet (2') long.

(5) Tree stumps up to six inches (6") in diameter and two feet (2') in length. Stumps must be free of dirt and root balls.

(6) Limit one (1) knuckle boom truck load on the week of scheduled service. The owners current grapple truck measures nineteen feet (19') length,

nine feet (9') width, and five feet (5') in height. (as added by Ord. #23-03, March 2023 ***Ch20_08-17-23***)

TITLE 18

WATER AND SEWERS[1]

CHAPTER
1. WATER.
2. SEWER USE ORDINANCE.
3. SEWER RATES, FEES AND CHARGES.
4. STORMWATER MANAGEMENT.
5. FLOODWAY AND FLOOD FRINGE PROPERTY PROVISIONS.
6. STORMWATER UTILITY ORDINANCE.
7. STORMWATER ADVISORY BOARD.

CHAPTER 1

WATER

SECTION
18-101. To be furnished under franchise.

18-101. To be furnished under franchise. Water service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.[2] The rights, powers, duties, and obligations of the municipality, 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.

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

[2]The agreements are of record in the office of the city recorder.

CHAPTER 2

SEWER USE ORDINANCE

SECTION

18-201. Definitions.
18-202. Use of public sewers required.
18-203. Private wastewater disposal.
18-204. Building sewers and connections.
18-205. Excluded wastes.
18-206. Industrial/commercial wastewater discharge permits.
18-207. Pretreatment.
18-208. Flow and concentration control.
18-209. Measurement of flow.
18-210. Monitoring facilities.
18-211. Inspections, monitoring, reporting, and records.
18-212. Authority for inspection.
18-213. Confidential information.
18-214. Protection of equipment.
18-215. Enforcement action.
18-216. Extension of sewer service.
18-217. Severability.
18-218. Conflict.
18-219. Amendments.

18-201. Definitions. The following words, terms, and phrases, wherever used in this Ordinance, shall have the meanings respectively ascribed to them in this Section unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended.

(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) "Accidental discharge." Any release of wastewater that, for any unforeseen reason, fails to comply with any prohibition or limitation in this ordinance.

(3) "Approval authority." The director and/or the Division of Water Pollution Control of the Tennessee Department of Environment and Conservation (TDEC) or his designee.

(4) "Authorized representative of a user." An authorized representative of an industrial/commercial user shall be:

(a) A principal executive officer of at least the level of vice-president if the user is a corporation;

(b) A general partner or proprietor is the user is a partnership or proprietorship, respectively; or

(c) A duly authorized representative of the individual designated above if such representative is responsible for the operation of the facilities from which the indirect discharge originates.

(5) "Best Management Practices (BMPs)." Consistent maintenance practices to insure that the grease trap and/or grease interceptor effluent and structure are in compliance with this ordinance. Such practices include, but are not limited to, regular cleanout schedules, posted cleanout procedures, and grease reduction guidelines.

(6) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C (68° F) expressed in terms of weight and volume (mg/L).

(7) "Building sewer." The connecting pipe from a building, beginning five (5) feet outside the inner face of the building wall, to a sanitary sewer.

(8) "Bypass." The intentional or unintentional diversion of wastestreams from any portion of a user's facility.

(9) "City." The City of White House, Tennessee.

(10) "City administrator." The City Administrator of the City of White House or his authorized deputy, agent, or representative.

(11) "Commercial user." Any user of the wastewater system who discharges commercial waste, as that term is defined in (12), into the wastewater system.

(12) "Commercial waste." The liquid and waterborne wastes resulting from processes or operations generated by commercial establishments.

(13) "Compatible pollutant." BOD, suspended solids, pH, fecal coliform bacteria, and additional pollutants as are now, or may be in the future, specified and controlled in the city's NPDES permit for its wastewater treatment plant.

(14) "Composite sample." A sample made by combining a number of grab samples collected over a defined period of time. A composite sample may be either a:

(a) Flow proportional composite sample. A sample composed of sample aliquots combined in proportion to the amount of flow occurring at the time of their collection. Such samples may be composed of equal aliquots being collected after equal predetermined volumes of flow pass the sample point or of flow proportional grab sample aliquots being collected at predetermined time intervals so that at least eight (8) aliquots are collected per twenty-four (24) hours; or

(b) Time proportional composite sample. A sample composed of equal sample aliquots taken at equal time intervals of not more than two (2) hours over a defined period of time.

(15) "Connection." The actual physical connection to the public sewer system of all sanitary sewer lines from the building that is to be served on a property. At the time that the physical connection is completed, inspected and approved, billing will begin.

(16) "Control authority." The City of White House, Tennessee.

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

(18) "Delinquent account." Delinquency occurs when a full payment for services that have been provided by the City of White House is not made before the due date. Past due accounts may result in disrupted services until the account balance is paid in full.

(19) "Director." The director of the wastewater system of the city or his duly authorized agent or representative.

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

(21) "Domestic waste." The liquid and waterborn pollutants from the noncommercial preparation, cooking, and handling of food; or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial establishments, industrial facilities, and institutions.

(22) "Environmental Protection Agency (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 said agency.

(23) "Flammable." Shall be defined in §§ 18-205(1) and 18-205(2).

(24) "FOG." Fats, oils, grease, and related substances of similar characteristics.

(25) "Food service establishment." A commercial or institutional facility discharging kitchen or food preparation wastewaters, such as restaurants, motels, hotels, cafeterias, delicatessens, meat cutting or preparation facilities, bakeries, hospitals, schools, bars, or any other facility that, in the city's discretion, may require a grease trap or interceptor installation by virtue of its operation.

(26) "Grab sample." A sample that is taken from a wastestream on a one-time basis and collected over a period of time not to exceed fifteen (15) minutes with no regard to the flow in the wastestream and without consideration of time.

(27) "Grease interceptor." A device utilized to effect the separation of grease and oils in wastewater effluent from a food service establishment. An interceptor is a vessel of the outdoor or underground type, normally of one thousand (1,000) gallon capacity or more, constructed of concrete, steel, or fiberglass.

(28) "Grease trap." A device utilized to effect the separation of grease and oils in wastewater effluent from a food service establishment. A trap is an under-the-counter or floor package unit, which is typically less than one hundred (100) gallons, constructed of steel or fiberglass.

(29) "Holding tank waste." Any waste from holding tanks, including by way of example but not limitation, vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trunks.

(30) "Incompatible pollutant." Any pollutant that is not a compatible pollutant, as defined in (13).

(31) "Indirect discharge or discharge." The discharge or the introduction from any non-domestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. §1317), into the wastewater system, including holding tank waste discharged into the wastewater system.

(32) "Industrial user." Any user of the wastewater system who discharges industrial waste, as that term is defined in (31), into the wastewater system.

(33) "Industrial waste." The liquid and waterborne wastes resulting from processes or operations generated by industrial facilities.

(34) "Infiltration." The water entering sanitary sewers and building sewers from the soil through defective joints, broken or cracked pipe, improper connections, manhole walls, or other defects in sanitary sewers as defined in (51) or building sewers as defined in (7). Infiltration does not include and is distinguished from inflow.

(35) "Inflow." The water discharged into sanitary sewers and building sewers from such sources as downspouts, roof leaders, cellar and yard area drains, commercial and industrial discharges of unpolluted wastewater as defined in (67), drains from springs and swampy areas, etc. It does not include and is distinguished from infiltration.

(36) "Interference." The inhibition or disruption of the city's wastewater treatment processes or operations, or acts or discharges that may cause damage to any portion of the wastewater system or that contribute to a violation of any requirement of the city's NPDES permit. The term includes interference with wastewater sludge use or disposal in accordance with state or federal criteria, guidelines, or regulations, or any state or federal sludge management plan applicable to the method of disposal or use employed by the wastewater system, such as, but not limited to, section 405 of the Act, the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.), and the Clean Air Act.

(37) "May." Permissive.

(38) "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and other wastes that may cause Interference.

(39) "National Pollutant Discharge Elimination System Permit (NPDES permit)." A permit issued pursuant to section 402 of the Act (33 U.S.C. § 1342) by the state under delegation from EPA.

(40) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(41) "New source." Any discharge or proposed discharge of industrial/commercial waste for the first time into the wastewater system or a proposed significant change, as defined in § 18-206(3), in the character or volume of any industrial/commercial waste currently being discharged into the wastewater system.

(42) "Non-contact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(43) "Non-residential." Non-residential shall mean anything other than except those defined under "residential."

(44) "Normal sewage." A waste having average concentrations of 300 mg/L of BOD or less and 300 mg/L of Total Suspended Solids (TSS) or less as determined by samples taken before entering the wastewater system.

(45) "Pass through." A discharge that exits the wastewater treatment plant into waters of the state in quantities or concentrations that, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the NPDES permit.

(46) "Person." Any individual, firm, company, partnership, corporation, association, group, or society, and includes the State of Tennessee and agencies, districts, commissions, and political subdivisions created by or pursuant to state law. Where used herein, the masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

(47) "pH." A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter (g/L) of solution.

(48) "Pollutant." Any "waste" such as dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(49) "Pretreatment." The reduction in the amounts of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration in the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into the wastewater system.

(50) "Pretreatment standard." Prohibited discharge standards.

(51) "Properly shredded garbage." The organic waste resulting from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under flow conditions normally prevailing in sanitary sewers with no particle being greater than one-half inch (1/2") in any dimension.

(52) "Public sewer." A sewer that is controlled by the city.

(53) "Receiving stream." That body of water, stream, or watercourse receiving the discharge from a wastewater treatment plant.

(54) "Residential." Residential shall include single or multiple family dwelling units up to and including apartment complexes, condominiums, or trailer parks.

(55) "Sanitary sewer." A public sewer controlled by the city that carries liquid and waterborne waste from residences, commercial establishments, industrial facilities, or institutions, together with minor quantities of ground and surface waters that are not intentionally admitted.

(56) "Septage." Liquid and solid waste pumped from a sanitary sewage septic tank or cesspool.

(57) "Sewer." A pipe or conduit for carrying wastewater.

(58) "Sewer System Overflow (SSO)." An unintentional occurrence where wastewater discharges from the wastewater system to the surrounding ground surface or to the waters of the state.

(59) "Shall." Mandatory.

(60) "Significant Industrial User (SIU)." Any industrial user discharging to the sewerage system who:

(a) Has an average daily process wastewater flow of twenty-five thousand (25,000) gallons or more

(b) Has a wastewater discharge that is greater than five percent (5%) of the capacity (i.e., allowable load) of the city's wastewater treatment plant;

(c) Is required to meet a federal categorical pretreatment standard; or

(d) Is found by the city, the approval authority, or EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater system, the quality of sludge, the system's effluent quality, or air emissions generated by the wastewater system.

(61) "Slug." Any discharge of wastewater for any duration during which the rate of flow or concentration of any constituent increases to such magnitude so as to adversely affect the operation of the wastewater system or the ability of the wastewater treatment plant to meet applicable water quality objectives and NPDES permit compliance.

(62) "Standard methods." The analytical procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, or "EPA Methods for Chemical Analysis of Water and Wastes." All procedures must conform to 40 CFR Part 136.

(63) "State." The State of Tennessee.

(64) "Storm sewer or storm drain." A sewer that carries storm and surface waters and drainage, but that excludes wastes.

(65) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(66) "Strength of waste" The concentration of pollutants or substances contained in a wastewater.

(67) "Total Suspended Solids (TSS)." The total solid matter that either floats on the surface of or is suspended in wastewater and that is removable by laboratory filtration.

(68) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in federal or state law or regulations promulgated by EPA or the state.

(69) "Twenty-five percent (25%) rule." All grease traps and grease interceptors shall be cleaned when the accumulation of floatable FOG has reached a depth no greater than twenty-five percent (25%) of the total operating vessel depth.

(70) "Unpolluted wastewater." Wastewater not containing any pollutants limited or prohibited by the effluent standards in effect, or wastewater that will not cause any violation of receiving water quality standards when discharged.

(71) "Upset of pretreatment facilities." An exceptional incident in which there is an unintentional and temporary noncompliance with the effluent limitations of the user's permit because of factors beyond the reasonable control of the user. An upset does not include noncompliance caused by operational error, improper design or inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations.

(72) "User." Any person or facility that discharges, causes, or permits the discharge of wastewater into the wastewater system.

(73) "Waste." Any physical, chemical, biological, radioactive, or thermal material, which may be a solid, liquid, or gas, and that may be discarded from any industrial, municipal, agricultural, commercial, institutional, or domestic activity.

(74) "Wastewater." The liquid and water-carried commercial, industrial, institutional, or domestic wastes from dwellings, commercial establishments, industrial facilities, and institutions together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the city's wastewater system.

(75) "Wastewater system." All facilities for collecting, pumping, transporting, treating, and disposing of wastewater.

(76) "Wastewater treatment plant." The facilities of the city for treating and disposing of wastewater.

(77) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state of any portion thereof. (1979 Code, § 8-401, as replaced by Ord. #06-51, Jan. 2007, and amended by Ord. #15-10, June 2015, Ord. #15-22, Oct. 2015, Ord. #16-02, Feb. 2016, Ord. #16-19, Oct. 2016, and Ord. #17-05, April 2017)

18-202. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any wastewater, human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city, or any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance.

(3) Except as provided herein, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, property, or right-of-way in which there is now located or may in the future be located a public sewer of the City of White House, is hereby required at his expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice from the city to do so, provided that said public sewer abuts the real property. (1979 Code, § 8-402, as replaced by Ord. #06-51, Jan. 2007)

18-203. Private wastewater disposal. (1) Where any residence, office, commercial, industrial, or recreational facility, or other establishment used for human activity is not accessible to a public sewer, the property owner shall provide a private sewage disposal system.

(2) Where the building drain of any residence, office, commercial or recreational facility, or other establishment used for human activity is below the elevation to obtain a one percent (1%) grade in the building sewer, but is otherwise accessible to a public sewer, the property owner shall provide a private sewage pumping station, unless the property is located in an area where the city is providing pumping stations as part of its wastewater system.

(3) A private wastewater disposal system may not be constructed within the city limits unless and until a certificate is obtained from the director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future.

(4) Any private wastewater disposal system must be constructed in accordance with the requirements of the state, the appropriate county health department, and the city and must be inspected and approved by the authorized representative of the appropriate county health department.

(5) The property owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times.

(6) When a public sewer becomes available, the building sewer shall be connected to such public sewer within ninety (90) days of the date of notice from the city to do so, and the private wastewater disposal system shall be abandoned by cleaning the sludge from the tank, cracking or drilling the tank bottom foundation, and filling the tank with suitable compacted material, such as soil or gravel.

(7) Holding tank waste, septage, and any other waste from private wastewater disposal systems within the city shall be discharged into the wastewater system only under the following conditions:

(a) Persons owning or operating vacuum-pump trucks or trucks hauling septage or other liquid waste transport trucks shall not discharge wastewater directly or indirectly from such trucks into the wastewater system unless such persons shall have first applied for and received a permit for such discharge from the city. All applicants for such permit shall complete such forms as required by the city, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the city. The owners or operators of such vehicles shall affix and display their permit number on the sides of vehicles used for such purposes. Such permit shall be valid for a period of five (5) years from date of issuance, provided that such permit shall be subject to revocation by the city for violation of any provision of this ordinance or reasonable regulation established by the city. Such permit shall be limited to the discharge of wastewater containing waste from private disposal systems. The director shall designate the locations and times where such trucks may discharge, and may refuse to accept any truckload of waste in his absolute discretion where he determines that the waste could cause interference with the effective operation of the wastewater system.

(b) No person shall discharge any other holding tank waste or any other waste, including industrial waste, into the wastewater system unless he shall have applied for and been issued a permit by the city. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, the limitations of wastewater constituents, and characteristics of the permit issued by the city. The discharge of hazardous waste, as defined in section 1004 of RDRA as codified in 40 CFR part 261, into a public sewer or to the headworks of the wastewater treatment plant is prohibited.

(c) Notwithstanding any of the forgoing, no holding tank waste, septage, or any other waste from outside the city shall be discharged directly or indirectly into the wastewater system from vacuum-pump, septage hauling trucks, or other liquid waste transport trucks, provided, however, that the director may, in his absolute discretion, permit the discharge of such waste by agreement and in accordance with §§ 18-203(7)(a) or 18-203(7)(b).

(d) No person shall operate a dumping station for the discharge of Wastewater from recreation vehicles into the wastewater system unless the user of the dumping station shall have first applied for and received a permit from the city. All applicants for such permits shall complete such forms as required by the city, pay appropriate fees, and

agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the city. These permits shall be issued only for approved facilities designed to receive wastewater only.

(8) Nothing in this section shall be construed to free waste haulers from additional requirements that may be imposed by other local or state agencies. (1979 Code, § 8-403, as replaced by Ord. #06-51, Jan. 2007)

18-204. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb a public sewer or appurtenances thereof without first obtaining written approval from the director.

(2) The person requesting any action described in § 18-204(1) shall make application on the appropriate form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director. An application fee shall be paid by all new applicants, including transferals. The application fee shall be nonrefundable. Applicants for industrial building sewer permits shall provide a description of the constituents of the wastewater and all other information that may be requested by the city.

(3) All residential, commercial, and industrial users to whom a public sewer is accessible shall connect to the sewer as provided in § 18-202(4) following payment of all fees and charges associated with such connection. Residential, commercial, and industrial users will be charged based on the number of individual units to be served, regardless of whether the complex is to be used as apartments, retail shops, duplexes, or multiple businesses. There will be one (1) sewer bill for each individual unit to be served. The user charge for monthly sewer use shall be based on the sewer rate schedule adopted and current as of the date of the connection. In addition, the city shall not be responsible for any cost that a developer may incur in the installation of public sewers.

(4) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the user; provided, that upon a determination by the board of mayor and aldermen that such is in the best interests of the city and where such does not violate the public purpose doctrine, then the city may bear some or all of these costs. The user shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to public sewers shall be made only by a plumber, contractor, or individual duly licensed and authorized in writing by the director. Such authorization will in no way waive any requirement of this ordinance, nor is such approval by the city to be construed as a guarantee of performance for said plumber, contractor, or individual.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination by the director, to meet all requirements of this ordinance.

(6) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the public sewer at a grade of one percent (1%) or more is possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions, by installation of check valves or other backflow prevention devices, to protect against flooding shall be provided by the owner of said building. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be pumped to the building sewer as approved by the director at the expense of the owner of the building.

(7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer that in turn is connected directly or indirectly to a public sewer.

(8) No person shall cover, construct, build, or erect any structure that will interfere with the accessibility, service, or removal of any sewer appurtenance that is maintained by the city. If an obstruction is found upon inspection by city personnel, the responsible party shall be notified immediately that the obstruction is to be removed permanently within a specified time limit as determined by the director. The responsible part includes, but is not restricted to, owner, leaseholder, contractor, developer, and person(s) who are using or causing a discharge into the public sewer. A violation of this subsection shall be punishable by fine, upon conviction as authorized by law, and each day shall constitute a separate offense.

(9) The connection of a building sewer into the public sewer shall conform to the rules, regulations, policies, and standards of the city. All such connections shall be made gas-tight and watertight as verified by proper testing.

(10) The applicant for the building sewer shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his authorized representative.

(11) At least one (1) cleanout shall be provided for each building sewer. The cleanout shall be located as near to the building as possible. Additional cleanouts are recommended at any horizontal change in direction in the building sewer requiring a forty-five degree (45°) or greater bend.

(12) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(13) Destruction or malice to any city-owned appurtenances, pumps, or lines shall be the responsibility of the owner. A charge for replacement of said equipment and associated labor shall be rendered.

(14) Upon review by the city and director, a service charge may be imposed on any residential, commercial or industrial user for foreign material,

such as, but not limited to plastic, cloth, metal, wood, etc., or breakage of the pump station.

(15) A service charge may be imposed if the director determines that abuse or neglect of a wastewater disposal device has occurred by the owner, whether it be the cleaning or repair of a pit or other appurtenance of the city that was taken out of service or abused by the owner of said property.

(16) Upon the inspection of property, if the city finds breakage, abuse, or leakage of service lines from buildings to the city equipment or lines, the city shall give the owner time to correct the problem as determined by the director. If the problem is not corrected within a specified period, the city shall have the right to repair and charge the owner for corrections or discontinue water service. (1979 Code, § 8-404, as amended by Ord. #95-08, June 1995, Ord. #96-08, May 1996, Ord. #98-10, May 1998, Ord. #00-16, June 2000, Ord. #01-08, April 2001, Ord. #02-09, May 2002, Ord. #03-09, July 2003, Ord. #05-36, Nov. 2005, and Ord. #05-40, Dec. 2005, replaced by Ord. #06-51, Jan. 2007, and amended by Ord. #13-09, Nov. 2013)

18-205. Excluded wastes. (1) General prohibitions. The following general prohibitions apply to all users of the wastewater system:

(a) All users shall take all reasonable steps to prevent any discharge in violation of the user's permit and this ordinance. Pollutants, substances, wastewater, or other wastes prohibited by this ordinance shall not be processed or stored in such a manner that they could be discharged to the wastewater system.

(b) No user shall increase the use of potable or process water or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the user's permit.

(c) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that causes interference or pass through with the operation or performance of the wastewater system.

(d) All users operating food service establishments may, at the discretion of the director, be required to provide fats, oils, and grease (FOG) interceptors or traps for the proper handling of liquid waste containing FOG or other harmful ingredients. All interceptors or traps shall be of a type and capacity approved by the city, and shall be located so as to be readily and easily accessible for cleaning and inspection. All interceptors or traps shall be supplied and properly maintained for continuous, satisfactory, and effective operation by the user at his expense.

(e) The discharge of any hazardous material, listed in 40 CFR part 261, is expressly forbidden.

(f) All users shall comply with the general prohibitive discharge standards in 40 CFR part 403.5 (a) and (b) of the federal pretreatment regulations.

(g) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters in any public sewer.

(2) Prohibited wastes. No user shall discharge or deposit any of the following materials, waste materials, waste gases, or liquids into any public sewer forming a part of the city's wastewater system, except where these may constitute occasional, intermittent inclusions in the wastewater discharged from residential premises:

(a) Any wastewater having a temperature that will inhibit biological activity in the wastewater treatment plant or result in other interference with the treatment process, but in no case wastewater with a temperature that exceeds 60° C (140° F) at its introduction into the wastewater treatment plant.

(b) Visible floatable fats, oils, or grease (FOG) of animal or vegetable origin in concentrations greater than 50 mg/L or in amounts that, in the discretion of the director, may cause interference or pass through.

(c) Visible floatable petroleum oil, cutting oil, or products of mineral origin in amounts that, in the discretion of the director, may cause interference or pass through.

(d) Substances that will solidify or become viscous at temperatures between 0° C (32° F) and 60° C (140° F).

(e) Any garbage that has not been properly shredded so that no particles are any greater than one-half (½) inch in any dimension.

(f) Any waste capable of causing abnormal corrosion, abnormal deterioration, damage, or hazard to structures or equipment of the wastewater system or to humans or animals, or cause interference with proper operation of the wastewater treatment plant. All waste discharged to the wastewater system must have a pH value in the range of six (6) to ten (10) standard pH units. Prohibited materials include, but are not limited to, concentrated acids and alkalies; high concentrations of compounds of sulfur, chlorine, and fluorine; and substances that may react with water to form strongly acidic or basic products.

(g) Any waste having a color that is not removable by the existing wastewater treatment processes and that would cause the plant effluent to exceed color requirements of the State of Tennessee for discharge to the receiving stream, if applicable.

(3) Specific prohibited wastes. No user shall discharge or deposit any of the following materials, waste materials, waste gases, or liquids into any public sewer forming part of the city wastewater system.

(a) Pollutants that create a fire or explosive hazard, including, but not limited to, wastestreams with a closed cup flashpoint of less than 60° C (140° F) using the test methods specified in 40 CFR 261.21.

(b) Any liquids, solids, or gases that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the wastewater system or to the operation of the wastewater system. At no time shall two (2) successive readings (15 to 30 minutes between readings) on an explosion hazard meter at the point of discharge into the wastewater system be more than five percent (5%), nor any single reading over ten percent (10%), of the Lower Explosive Limit (LEL) of the meter. Prohibited materials covered by this subsection include, but are not limited to, gasoline, kerosene, naptha, benzene, fuel oil, motor oil, mineral spirits, commercial solvents, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, and hydrides.

(c) Any trucked or hauled pollutants, except at discharge point(s) designated by the director in accordance with § 18-203.

(d) Any solid or viscous substances in quantity or character capable of causing obstruction to flow in public sewers, interference with proper operation of the city's wastewater system, or risks to the health and safety of the city's personnel. Prohibited materials covered by this subsection include, but are not limited to, eggshells from egg processors, ashes, cinders, ceramic waste, stone or marble dust, sand, mud, straw, shavings, grass clippings, thread, glass, glass grinding or polishing wastes, rags, metal, feathers, bones, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, spent hops, animal tissues, hair, hides, or fleshings, entrails, whole blood, viscera or other fleshy particles from processing or packing plants, lime or similar sludges, and residues from refining or processing of fuel or lubricating oils.

(e) Any noxious or malodorous solids, liquids, or gases that, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into a sewer for maintenance and repair.

(f) Any pollutants that result in the presence of toxic gases, vapors, or fumes within the wastewater system in a quantity that may cause worker health and safety problems.

(g) Any substances that may cause wastewater treatment plant effluent, or any other products of the wastewater system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to cause interference with the reclamation process. In no case shall a substance discharged to the wastewater system cause the wastewater system to be in noncompliance with sludge use or disposal criteria,

guidelines, ordinances, or regulations developed by local, state, or federal authorities.

(h) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), in sufficient quantity, flow, or concentration (either singly or by interaction with other pollutants) to cause interference with the wastewater treatment plant.

(I) Any substance that will cause the sewerage system to violate its NPDES Permit or water quality standards of the receiving stream.

(j) Any waste that, by interaction with other waste in the wastewater system, may release obnoxious gases, form suspended solids that cause interference with operation of the public sewer, or create conditions deleterious to structures and wastewater treatment processes.

(k) Any form of inflow as defined by § 18-201(33), including stormwater.

(l) Infiltration determined to be excessive by the director.

(m) Any unpolluted wastewater as defined by § 18-201(66), except as specifically permitted by the director.

(4) Specific pollutant limitations. No user shall discharge into any public sewer forming part of the city wastewater system any of the following materials in concentrations exceeding the limits stated below:

(a) Any wastes that contain more than ten (10) mg/L of hydrogen sulfide, sulfur dioxide, or nitrous oxide.

(b) Any toxic or poisonous substance or any other materials in sufficient quantity to cause interference with the operation of the city's wastewater treatment plant, to constitute a hazard to humans or animals, or to cause a violation of the water quality standards or effluent standards for the watercourse receiving the effluent from the wastewater treatment plant, or to exceed limitations established by the director or set forth in applicable pretreatment standards as referenced in the code of federal regulations 40 CFR 403.

(c) Any waste containing suspended solids of such character and quantity that unusual provisions, attention, or expense is required to handle such materials at the city's wastewater treatment plant.

(d) Any waste containing quantities of radium or naturally occurring or artificially produced radioisotopes in excess of presently existing or subsequently accepted limits for drinking water as established by current drinking water regulations promulgated by EPA.

(e) No person shall discharge wastewater containing concentrations of the constituents listed below in excess of the upper limits listed below.

(I) No person with a permit to discharge industrial/ commercial waste shall discharge in excess of the following limits unless such discharge is specifically authorized in a duly issued permit to discharge industrial/commercial waste. If more stringent

standards are established in a city permit to discharge industrial/commercial waste or have been promulgated by the state or EPA in applicable categorical pretreatment standards, those standards shall supersede the following standards.

Protection Criteria		
	Monthly Average	Daily Maximum
Parameter	mg/L*	mg/L*
Chromium, hexavalent	1.0	70
Chromium, trivalent	N/A	2200
Nickel	56	1100
Cyanide	3.5	52
Zinc	47	180
Cadmium	0.012	1.5
Copper	20	30
Iron	1500	3000
Antimony	1600	9000
Arsenic	40	440
Lead	0.75	74
Mercury	0.02	4.1
Selenium	35	260
Silver	0.6	1.2
Phenols	N/A	300
*Milligram/Liter		

These limits are established to comply with published thresholds or ranges for inhibitory effects on the unit operations of the treatment plant. Limits on the concentrations of other metallic constituents and/or toxic substances that may have a detrimental effect on the wastewater treatment plant may be established by the director and/or the state, unless the prospective discharger can

prove to the aforementioned parties that such substances are amenable to treatment at the treatment plant. The concentrations listed for the specific pollutants in this paragraph are daily average maximum concentrations in mg/L based on twenty-four (24) hour flow proportional composite samples. The city shall monitor the wastewater treatment plant for each parameter in the above table. In the event that the influent of the wastewater treatment plant reaches or exceeds the level established by this table, the director shall initiate technical studies to determine the cause of the violation and shall recommend to the city the necessary legal measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels.

(ii) Unless specifically authorized by a permit to discharge industrial/commercial waste, no person shall discharge wastewater continuing concentrations of the constituents listed in § 18-205(4)(e) in excess of levels currently established for wastewater in the city. Such concentration levels shall be established by the director.

(f) The admission into the wastewater system of any waste having a Biochemical Oxygen Demand (BOD) in excess of three hundred (300) mg/L on a twenty-four (24) hour composite basis or any single grab sample having a BOD concentration in excess of one thousand three hundred (1,300) mg/L may be subject to review by the director. Where necessary, in the discretion of the director, the user shall provide and operate, at his own expense, such pretreatment facilities as may be required to reduce the BOD to meet requirements specified by the director.

(g) The admission into the wastewater system of any waste having a Total Suspended Solids (TSS) concentration in excess of three hundred (300) mg/L on a twenty-four (24) hour composite basis or for any single grab sample having a TSS concentration in excess of one thousand three hundred (1,300) mg/L will be subject to review by the director. Where necessary, in the discretion of the director, the user shall provide and operate, at his own expense, such pretreatment facilities as may be required to reduce the TSS content to meet requirements specified by the director.

(h) The admission into the wastewater system of any waste having a total oil and grease (combined polar and non-polar) content in excess of one hundred twenty-five (125) mg/L. If the wastestream is of mineral hydrocarbons (non-polar), the content shall not exceed one hundred (100) mg/L. If the wastestream is of biological lipids (polar), the content shall not exceed one hundred fifty (150) mg/L. Where necessary, in the discretion of the director, the user shall provide and operate, at his

own expense, such pretreatment facilities as may be required to reduce the oil and grease (polar and non-polar) content to meet requirements specified by the director.

(I) The admission into the wastewater system of any waste in volumes or with constituents such that existing conditions in the public sewer or at the city's wastewater treatment plant would be affected to the detriment of the wastewater system will be subject to review by the director. Where necessary, in the discretion of the director, pretreatment or equalizing units may be required to bring constituents or volumes of flow within the limits previously prescribed or to an otherwise acceptable level and to hold or equalize flows so that no peak flow conditions may hamper the operation of any unit of the wastewater system. Said equalization or holding unit shall have a capacity suitable to serve its intended purpose and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow.

(j) In any federal categorical pretreatment standards are more stringent than limitations imposed by this ordinance, the federal categorical pretreatment standards shall immediately supersede the limitations imposed under this ordinance. All affected users shall notify the director of the applicable reporting and monitoring requirements imposed by the federal standards within thirty (30) days of passage.

(k) State requirements and limitations shall apply in any case where they are more stringent than federal requirements and limitations or those of this ordinance.

(l) The city reserves the right to establish more stringent limitations or requirements on discharges to the wastewater system.

(5) Standards and requirements for food service establishments. Food service establishments, as defined in § 18-201(23), shall provide means of preventing grease and oil discharges to the wastewater system. Where a grease and oil interceptor currently exists or is required by the city, it shall be maintained for continuous, satisfactory, and effective operation by the owner, leaseholder, or operator at his expense. Grease and oil interceptors shall be of a type and capacity approved by the city and shall be located as to be readily accessible for cleaning and inspection.

(a) All food service establishments shall have grease-handling facilities approved by the city. Establishments whose grease-handling facilities or methods are not adequately maintained to prevent fats, oils, or grease (FOG) from entering the wastewater system shall be notified in writing by the director of any noncompliance and required to provide a schedule whereby corrections will be accomplished.

(b) All food service establishments' grease-handling facilities shall be subject to review, evaluation, and inspection by the city's representatives during normal working hours. Results of inspections will

be made available to the owner or operator. The city may make recommendations for correction and improvement.

(c) Each facility will be issued a grease interceptor/trap maintenance log upon initial inspection. Failure to maintain a log shall constitute a violation of this ordinance.

(d) Food service establishments receiving two (2) consecutive unsatisfactory evaluations or inspections shall be subject to penalties or other corrective actions as provided for in this ordinance. Two (2) consecutive satisfactory inspections need to be conducted to bring the facility into compliance.

(e) Food service establishments that continue to violate the city's grease standards and requirements shall be subject to additional enforcement action, including termination of service.

(f) Food service establishments whose operations cause or allow excessive FOG to discharge or accumulate in the city's collection system shall be liable to the city for costs related to city service calls for line blockages, line cleanings, line and pump repairs, etc., including all labor, materials, and equipment. If the blockage results in a Sewer System Overflow (SSO), and the city is penalized for the SSO, the penalty shall be passed along to the food service establishment.

(g) Regularly scheduled maintenance of grease-handling facilities is required to insure adequate operation. In maintaining the grease interceptors and/or grease traps, the owner, leaseholder, or operator shall be responsible for the proper removal and disposal of grease by appropriate means and shall maintain an on-site record of dates and means of disposal.

(h) All grease traps and/or grease interceptors shall be cleaned based on the twenty-five percent (25%) rule or when the discharge exceeds 50 mg/L.

For example: If the total depth (TD) of the grease interceptor (GI) is forty (40) inches, the maximum allowable depth (d) of floatable grease equals forty (40) inches multiplied by 0.25 or d=TD X 0.25=10 inches. Therefore, the maximum allowable depth of floatable grease of the vessel should not exceed ten (10) inches.

(i) The exclusive use of enzymes, grease solvents, emulsifiers, etc., is not considered acceptable grease trap maintenance practice.

(j) Any food service establishment whose effluent discharge to the wastewater system is determined by the city to cause interference in the conveyance or operation of the wastewater system shall be required to sample the grease interceptor and/or grease trap discharge and have it analyzed for FOG at the expense of the owner, leaseholder, or operator. The city shall approve the sampling plan and shall witness the taking of the samples. The analyses shall be performed by a certified laboratory and the report of such analyses shall be provided to the city.

(k) All grease interceptors and/or grease traps shall be designed and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of effluent wastewater discharged to the public sewer. These chambers shall not be visually obscured with soil, mulch, floorings, or pavement of any material.

(l) Food service establishments shall adopt Best Management Practices (BMPs) for handling sources of floatable FOG originating within their facility. A notice shall be permanently posted at a prominent place in the facility advising employees of the BMPs to be followed. The city may render advice regarding the minimization of waste.

(m) Food service establishments shall develop and implement a waste minimization plan pertaining to the disposal of FOG and food particles. The city may render advice or make suggestions regarding the minimization of waste.

(6) Construction standards for new food service establishments. All new food service establishments shall be required to install an outdoor grease interceptor, the design and location of which must be approved in writing by the city prior to installation.

(a) Grease interceptors shall be adequately sized, with no interceptor less than one thousand (1,000) gallons total capacity unless otherwise approved by the city.

(b) The inlet chamber of the vessel will incorporate a PVC open sanitary tee that extends equal to or greater than twelve (12) inches below the water surface. The outlet chamber of the vessel will incorporate a PVC open sanitary tee that extends two-thirds (2/3) below the water surface. The sanitary tees (both inlet and outlet) will not be capped, but opened for visual inspection of the waste stream.

(c) All grease interceptors, whether singular or two (2) tanks in series, must have each chamber directly accessible from the surface to provide means for servicing and maintaining the interceptor in working and operating condition.

(d) All pot and pan wash, pre-rinse sinks, and scullery and floor drains will connect and discharge to the grease interceptor.

(e) Where automatic dishwashers are not installed, the discharge from those units will discharge directly into the building drainage system without passing through a grease trap, unless otherwise directed by the city.

(f) Where automatic dishwashers are installed, the discharge from those units will discharge directly into the grease interceptor, before entering the building drainage system.

(g) The pre-rinse sink of the automatic dishwasher will discharge directly into the grease interceptor and/or grease traps.

(h) Where food waste grinders are installed, the waste from those units shall discharge directly into the building drainage system without passing through grease interceptor and/or grease traps.

(I) The grease trap is to be installed at least fifteen (15) feet from the last drainage fixture, except as may be approved by the director.

(j) The grease interceptor is installed at least nine (9) feet from the exterior wall, except as may be approved by the director.

(k) The grease interceptor is not to be installed within a drive-thru pick-up area, underneath menu boards, or in the vicinity of menu boards.

(l) A grease trap may be installed in lieu of a grease interceptor, at the discretion of the city. This determination will be based on engineering concepts that dictate the grease interceptor installation is not feasible. The design and location of the grease trap must be approved in writing prior to installation by the city.

(m) The gallonage capacity of a grease trap shall be equal to or greater than double the gallonage capacity of all drainage fixtures discharging to the grease trap. These fixtures and other potentially grease-containing drains connecting to the grease trap will be determined and approved by the city prior to installation.

(n) No new food service establishments will be allowed to initiate operations until all grease-handling facilities are approved, installed, and inspected by the city.

(o) A basket, screen, or other intercepting device shall prevent passage into the drainage system of solids one-half (½) inch or larger in size. The basket or device shall be removable for cleaning purposes.

(7) Construction standards for existing food service establishments. All existing food service establishments shall have grease-handling facilities. Food service establishments without any grease-handling facilities will be given a compliance schedule to have grease-handling equipment installed. Failure to do so will be considered a violation of this ordinance and shall subject the establishment to penalties and/or corrective actions.

(a) In the event that an existing food service establishment's greasehandling facilities are either under-designed or substandard in accordance with this ordinance, the owner(s) will be notified in writing of the deficiencies and required improvements and given a compliance schedule.

(b) For cases in which outdoor grease interceptors are infeasible to install, existing food service establishments will be required to install approved under-the-counter grease traps.

(c) Factory-installed flow control fittings must be provided to the inlet side of all under-the-counter grease traps to prevent overloading of the grease trap and to allow for proper operation.

(d) City approval of grease trap design will be obtained prior to installation.

(e) The location of under-the-counter units must be determined and approved by the city prior to installation.

(f) Wastewater from garbage grinders should not be discharged to grease interceptors.

(g) Wastewater from automatic dishwashers should be discharged to grease interceptors.

(h) Wastewater from the pre-rinse sink of the automatic dishwasher shall discharge directly into grease interceptors.

(I) In maintaining grease interceptors, the owner(s) shall be responsible for the proper removal and disposal of captured material and shall maintain records of the dates and means of disposal.

(j) The exclusive use of enzymes, grease solvents, emulsifiers, etc., is not considered acceptable grease trap maintenance practice. All grease interceptors must be cleaned based on the twenty-five percent (25%) rule. (1979 Code, § 8-405, as replaced by Ord. #06-51, Jan. 2007)

18-206. Industrial/commercial wastewater discharge permits.

(1) Unauthorized connections to sewerage system. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb the wastewater system without first obtaining written approval from the city.

(2) Permits to discharge industrial/commercial waste for new sources. Any person who proposes to originate the discharge of any industrial waste or commercial waste for the first time into the wastewater system or who proposes to make a significant change in the character or volume of any industrial waste or commercial waste theretofore discharged into the wastewater system:

(a) Shall apply to the city for a permit to discharge industrial/commercial waste on a form furnished by the city a minimum of one hundred eighty (180) days prior to the proposed date to originate this discharge into the city wastewater system;

(b) Shall supplement the application, signed by the authorized representative as specified in § 18-201(4), with any information that may have been furnished by the applicant to any other governmental agency and any other plans or data as the director may require for purposes of determining whether conditions are met as specified in § 18-206(6); and

(c) Shall not discharge into the wastewater system until a permit to discharge industrial/commercial waste has been issued by the city for the proposed new source.

(3) Significant changes in waste discharge. A significant change in the character or volume of waste, for purposes of § 18-206(2), shall be deemed to be proposed if:

(a) Substances, compounds, and elements not previously constituting any part of a user's waste are to be introduced into such waste;

(b) If the average concentration of any substance, compound, or element in the waste or average volume proposed to be discharged will increase by twenty-five percent (25%) or more over that for which the permit had been issued;

(c) If the change in character or volume of the waste will change the user's classification from industrial user to significant industrial user as defined in § 18-201(56).

(4) Permits to discharge industrial/commercial waste for existing industrial users. Any user, who is operating within the city and is classified an industrial user or commercial user, within the meaning of §§ 18-201(12) or 18-201(31), may continue such discharge until notified by the director in writing that a permit will be required and until an application has been submitted to and denied by the director in accordance with the following provisions:

(a) The director shall issue written notices to existing industrial/commercial users specifying in each such notice the time within which an existing industrial/commercial users shall file an application for a permit.

(b) Within the time limit specified in § 18-206(4)(a), the existing industrial/commercial user shall file the required application, signed by the authorized representative as specified in § 18-201(4), together with any other information as described in § 18-206(6). Failure to file within the specified time shall constitute an unauthorized use of the wastewater system. The director, within one hundred eighty (180) days, must deny the required application or issue a draft of the proposed permit.

(c) The existing industrial/commercial user shall have thirty (30) days in which to comment on the draft permit after which the permit will be issued or denied.

(d) An existing industrial/commercial user may continue to discharge, only after complying with the requirement to file an application for a permit, unless and until receipt by the applicant of a written notice specifying the reasons for denial of a permit and specifying what remedial action, if any, must be taken to qualify the applicant for a permit.

(e) In the event that the applicant is denied a permit or feels that the conditions of a permit are unacceptable, the applicant shall have the right to contest the denial or the conditions of the permit in accordance with the provisions of § 18-215(3).

(5) Discharge prohibited where permits denied. In any case where a final determination has been made denying a permit, it shall be unlawful for any person so denied a permit to discharge industrial/commercial waste into the wastewater system.

(6) Conditions for issuing or renewing permits. A permit to discharge industrial/commercial waste will be issued or renewed by the city only when it has been determined that:

(a) Wastewater capacity is available at the proposed point of discharge for receiving the industrial/commercial waste;

(b) The waste being discharged, or proposed to be discharged, is amenable to treatment by the processes employed in the city's wastewater treatment plant and will not impair the ability of the city to comply with the water quality standards and effluent limitations established by the state and federal regulatory agencies;

(c) The waste being discharged or proposed to be discharged will not cause damage to the wastewater system or create a public nuisance or threaten public health;

(d) The concentrations of substances, compounds, and elements in the waste being discharged or proposed to be discharged do not exceed the limits established by the city or state or federal authorities; and

(e) Where the wastewater contains or may contain any substances, compounds, or elements controlled or limited by this ordinance, an adequate program of self-monitoring of flow and wastewater characteristics will be established and maintained by the user affected by this ordinance to assure that the discharge meets the requirements of this ordinance and any permit conditions. The frequency and nature of the analyses shall be commensurate with the nature and volume of the waste discharged, and shall be as specified in the permit to discharge industrial/commercial waste.

(7) Permits for industries subject to national categorical pretreatment standards. Any user subject to a newly promulgated national categorical pretreatment standard shall reapply for a permit to discharge industrial waste within one hundred eighty (180) days after the effective date of the applicable national categorical pretreatment standard. Permits to discharge industrial waste of users subject to such standards shall be issued or reissued in compliance with such standards within the time frames prescribed by such standards.

(8) Permit provisions. A permit to discharge industrial/commercial waste shall be expressly subject to all provisions of this ordinance. Permits may contain the following:

(a) Limits on average and maximum wastewater constituents and characteristics. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards, as defined in § 18-201(48), or requirements or in other cases where the composition or mass limitations are appropriate;

(b) Limits on average and maximum rates and time of discharge or requirements for flow regulation and equalization;

(c) Requirements for installing and maintaining inspection and sampling facilities;

(d) Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules;

(e) Compliance schedules;

(f) Requirements for submitting technical reports or discharge reports to the director pursuant to § 18-211;

(g) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city and affording the city's access thereto;

(h) Requirements for notifying the city of any new introduction of wastewater constituents or any significant change in the volume or character of the wastewater constituents being introduced into the wastewater system;

(I) Requirements for notifying the city of accidental discharges and slug discharges pursuant to §§ 18-207 and 18-208; and

(j) Other conditions as deemed appropriate by the city to ensure compliance with this ordinance and applicable law and regulations.

(9) Permit conditions and duration. A permit to discharge industrial/commercial waste shall be issued as follows:

(a) An application for permit to discharge industrial/commercial waste and all reports or information submitted pursuant to the requirements of such permit must be signed and certified by an authorized representative of the user.

(b) A permit to discharge industrial/commercial waste for an industrial/commercial user, not classified as a Significant Industrial User (SIU) in accordance with § 18-201(56), shall remain in effect for a specified time period, not to exceed five (5) years.

(c) A permit to discharge industrial/commercial waste for an SIU shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for a permit re-issuance a minimum of one hundred eighty days (180) prior to the expiration of the user's existing permit.

(d) The terms and conditions of a permit may be modified by the city during the term of the permit. A user shall be informed of any modifications in his permit at least thirty (30) days prior to the effective dates of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) A permit to discharge industrial/commercial waste does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

(f) The provisions of a permit to discharge industrial/commercial waste are severable, and, if any provision of such permit or the application of any provision of such permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of such permit shall not be affected thereby.

(10) Permit transfers. A permit to discharge industrial/commercial waste is issued to a specified user for a specific operation. A 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 written approval of the city. Any succeeding owner or user shall also agree in writing to comply with the terms and conditions of the existing permit. (1979 Code, § 8-406, as replaced by Ord. #06-51, Jan. 2007)

18-207. Pretreatment. (1) Responsibility for pretreatment. Each user shall provide wastewater treatment as necessary to comply with this ordinance and wastewater permits issued under § 18-206 and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in § 18-204 within time limitations as specified by EPA, the state, or the director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense.

(2) Authorization to construct. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review and shall be approved by the director before construction of the facility.

(a) Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the director prior to the user's initiation of the changes.

(b) The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent discharge acceptable to the director under the provisions of this ordinance.

(3) Maintenance of pretreatment facilities. If pretreatment or control of industrial/commercial wastewater is required, such pretreatment or control facilities shall be constructed and maintained in good working order and properly operated as efficiently as possible by the owner or user at his cost and expense, subject to the requirements of this ordinance and all other applicable codes, ordinances, regulations, and laws.

(4) Additional pretreatment measures. Whenever deemed necessary, the director may require users to restrict their wastewater discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial/commercial wastestreams, and such other conditions as may be necessary to protect the wastewater system and to

determine the user's compliance with the requirements of this ordinance. Additionally:

(a) The director may require any person discharging into the wastewater system to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An industrial/commercial wastewater discharge permit may be issued solely for flow equalization.

(b) Grease, oil, and sand interceptors shall be provided when, in the discretion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand, except that such interceptors shall not be required for residential users. All interceptors or traps shall be of a type and capacity approved by the director and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(c) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(5) Pretreatment for accidental discharge. To provide protection from accidental discharges as defined in § 18-201(2):

(a) Pollutants, substances, wastewater, or waste prohibited by this ordinance shall not be stored in such a manner that they could be discharged to the wastewater system.

(b) Each industrial/commercial user shall provide protection from accidental discharge of prohibited materials or other waste regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection may be required to be submitted to the director upon request for review and approval. Review and approval of such plans and operating procedures shall not relieve the user of the responsibility to modify his facility as necessary to meet the requirements of this ordinance.

(c) If, after taking action as provided in § 18-207(5)(a), an industrial/commercial user fails to comply with any prohibition or limitation in this ordinance, the user responsible for such accidental discharge shall immediately notify the director so that any feasible corrective action may be taken to protect the wastewater system or to minimize adverse effects thereon. In addition, a written report, addressed to the director, shall be filed by an authorized representative of the user within five (5) days of the occurrence of the accidental discharge detailing the date, time, and cause of the accidental discharge, the quantity and characteristics of the accidental discharge, and corrective action taken to prevent future accidental discharges.

(d) A notice shall be permanently posted at a prominent place in the facility for which the permit has been issued advising employees whom to call in the event of an accidental discharge. Users shall ensure that all employees who observe or who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure. (1979 Code, § 8-407, as replaced by Ord. #06-51, Jan. 2007)

18-208. Flow and concentration control. (1) Discharge of slugs prohibited. No user shall discharge into the city wastewater system any waste or wastewater that constitutes a slug as defined in § 18-201(57).

(2) Control of discharge rates. Any user now discharging or proposing to discharge waste that may include slugs may be required to provide facilities or adopt procedures for regulating, controlling, or equalizing the concentrations of any constituents or the rate of waste discharge.

(3) Spill control response plan/slug discharge plan. The city shall periodically evaluate whether each industrial/commercial user needs a spill control response plan or a discharge slug plan. The city may require any user to develop, submit for approval, and implement such a plan. Each plan shall address, at a minimum, the following:

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the city of any accidental discharge or slug discharge, as required by § 18-207(5)(c); and

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (1979 Code, § 8-408, as replaced by Ord. #06-51, Jan. 2007)

18-209. Measurement of flow. (1) Determination of wastewater volumes. The volume or quantity of waste discharged by any user into the city's wastewater system may be measured by one (1) of more of the following methods:

(a) If the volume of water used by any user in industrial, commercial, or process operations is substantially the same as the volume secured from the public water system, then the volume of water purchased shall be considered to be the volume of waste discharged.

(b) If a substantial portion of the water secured from the public water system is not used in a user's facility or is not returned to the

wastewater system, the quantity of waste shall be determined by one (1) or more of the following methods:

(I) By a flow meter(s) on the water supply line(s) to a process operation(s) or use;

(ii) By a flow meter(s) on the waste line(s) from an operation(s); or

(iii) If flow meters, as required under §§ 18-209(1)(b)(I) and 18-209(1)(b)(ii) above, shall not have been installed, the volume of water purchased shall be considered to be the volume of waste discharged unless the city approves an alternate method of determining the amount of water discharged into the wastewater system.

(c) If any user now discharging or proposing to discharge waste into the wastewater system does not secure the entire water supply from the public water system, such user shall install and maintain a flow meter(s) on the waste line(s) from process operations or shall install such additional flow meters on the private water supply as required to permit determination of the total quantity discharged to the wastewater system from all sources under procedures comparable to §§ 18-209(1)(a) or 18-209(1)(b) above.

(2) Provision, calibration, and certification of flow meters. If flow meter(s) are installed to fulfill requirements of §§ 18-209(1)(b) or 18-209(1)(c) above:

(a) Such flow meter(s) shall be installed at user expense;

(b) Such flow meter(s) shall be calibrated by the supplier at the time of installation and thereafter at the discretion of the director;

(c) Such flow meter(s) are to be of the non-resettable style;

(d) Such flow meter(s) shall be calibrated by the supplier at the time of installation and thereafter at the discretion of the director;

(e) Annual certification of calibration shall be provided to the director within fifteen (15) days of each calibration for flow meters; and

(f) The director, at his discretion, may require calibration by an independent testing laboratory. If the meter is found to be in calibration, the city will pay for testing service. However, if the meter is found to be out of calibration, the user shall be required to pay for testing service.

(3) Identification of all flows required. All sources of water supply and all discharges of wastewater into the wastewater system must be identified in accordance with the provisions of § 18-209(1). Any omissions shall be considered as unauthorized use of the city wastewater system. (1979 Code, § 8-409, as replaced by Ord. #06-51, Jan. 2007)

18-210. Monitoring facilities. (1) General requirements for monitoring facilities. Any user who is discharging or proposes to discharge waste into the city wastewater system may be required to provide, operate, and

maintain at the user's expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and internal drainage systems. These industrial/commercial monitoring facilities shall be as specified in the user's permit to discharge waste. The monitoring facilities should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facilities to be constructed in a public street or sidewalk area and located so that they will not be obstructed.

(2) Maintenance of monitoring facilities. There shall be ample room in or near such monitoring facilities to allow accurate sampling and preparation of samples for analysis. The monitoring facilities shall be maintained at all times in a safe, accurate, and proper operating condition at the expense of the user.

(3) Continuous recording and sampling equipment. When deemed necessary by the director, continuous recording and sampling equipment shall be installed and maintained.

(4) Construction periods. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with city requirements and all applicable local construction standards and specifications. Construction of said facilities shall be completed within ninety (90) days following written notification by the city. Additional construction time may be granted at the discretion of the director.

(5) Additional facilities for present users. The director shall review monitoring facilities of present users and may require additional monitoring facilities as required for compliance with §§ 18-210(1), 18-210(2), and 18210(3) above.

(6) Monitoring facilities for new users. New users may be required to provide monitoring facilities as specified in their permits to discharge industrial/commercial waste prior to start up. (1979 Code, § 8-410, as replaced by Ord. #06-51, Jan. 2007)

18-211. Inspections, monitoring, reporting, and records.

(1) Periodic inspections. The waste and other pollutants being discharged into the city wastewater system by users shall be subject to periodic inspection, sampling, records examination, and copying. Determinations of character and strengths of said waste may be made annually or more often as may be deemed necessary by the director or his authorized representatives and as indicated in the user's permit to discharge industrial/commercial waste to ascertain whether the purposes of this ordinance are being met, to determine whether all requirements are being complied with, and to determine strength of waste.

(2) Reporting requirements for applicable categorical standards. Pretreatment standards, as defined in § 18-201(46), are as follows:

(a) Baseline monitoring reports: within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the city wastewater system shall submit to the director a report that contains the information listed in § 18-211 (2)(b) below. At least ninety (90) days prior to commencement of their discharge, new sources, as defined in § 18-201(39), and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report that contains the information listed in § 18-211(2)(b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Baseline monitoring reports shall include:

(I) The name and address of the facility, including the name of the operator and owner;

(ii) A list of any environmental control permits held by or for the facility;

(iii) A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by a user. This description should include a schematic process diagram that indicates points of discharge to the wastewater system from the regulated processes;

(iv) Information showing the measured average daily and maximum daily flow, in gallons per day, to the wastewater system from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(c);

(v) The categorical pretreatment standards applicable to each regulated process;

(vi) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-211(9);

(vii) Sampling must be performed in accordance with procedures set out in § 18-211;

(viii) A certification statement, reviewed by the user's authorized representative and certified by a qualified professional

engineer, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements;

(ix) Compliance schedule: If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-211(3); and

(x) All baseline monitoring reports must be signed and certified by an authorized representative of an industrial/commercial user as defined in § 18-201(4).

(3) Compliance schedule progress reports. (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

(b) No increment referred to above shall exceed nine (9) months.

(c) The user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the director.

(4) Reports on compliance with categorical pretreatment standards deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or, in the case of a new source following commencement of the introduction of wastewater into the wastewater system, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in § 18-211(2)(b). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the

appropriate sampling period. All compliance reports must be signed and certified in accordance with § 18-201(4).

(5) Periodic compliance reports for significant industrial users.

(a) Significant industrial users may, at a frequency determined by the director, be required to submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 18-201(4);

(b) Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge; and

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in § 18-211(9), the results of this monitoring shall be included in the report.

(6) Reports of changed conditions. Each user must notify the director of any planned significant changes to the user's operation or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change. The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition.

(7) Reports of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharge; discharge of a non-routine, episodic nature; a noncustomary batch discharge; a slug load; and/or a discharge of any prohibited wastes as defined in § 18-205(3) that may cause potential problems for the wastewater system, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless the requirement is waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the sewerage system, natural resources, or any other damage to other person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this ordinance; and

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in § 18-211(7)(a) above.

(8) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the city within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation.

(9) Sampling, analyses, and reporting for all users. Samples shall be collected manually or mechanically over such periods of time and composited in such a manner as to be representative of the waste being discharged in accordance with requirements specified in the user's permit to discharge industrial/commercial waste. Sampling techniques and laboratory methods followed in the examination of said waste shall be in accordance with those set forth in 40 CFR part 136, unless otherwise specified in applicable categorical pretreatment standard. Reports of the analyses shall be submitted in accordance with requirements specified in the user's permit to discharge industrial/commercial waste. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(a) Grab samples. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(b) Splitting of samples. when so requested by the industrial/commercial user, samples collected by the city will be split with the industrial/commercial user for verification of analytical results. However, determination of the character, strength, or quantity of the waste as made by the director or his authorized representatives, shall be conclusive as a basis for computation of charges or for actions by the city.

(c) Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt shall govern.

(d) Record keeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the

duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director.

(10) Notification of discharge of hazardous material.

(a) Section 18-205(1)(e) prohibits the discharge of hazardous material. Any user who may accidentally discharge hazardous material shall immediately notify the director, the EPA regional waste management division director, and the state division of solid waste management.

(b) The use of any new hazardous materials or hazardous waste in a user's facility must be immediately reported to the director, the EPA regional waste management division director, and the state division of solid waste management.

(c) In the case of any notification made under this section, the user shall certify that it has a program in place to prevent the discharge of a toxic or hazardous material. (1979 Code, § 8-414, modified, as amended by Ord. #96-25, Jan. 1997, Ord. #04-07, May 2004, and Ord. #05-36, Nov. 2005, as replaced by Ord. #06-51, Jan. 2007)

18-212. Authority for inspection. (1) Right of entry. The director and his duly authorized representatives shall be permitted to enter upon the property of the user for the purpose of inspection, observation, flow measurement, sampling, and testing of industrial/commercial waste and other pollutants in accordance with this ordinance.

(2) Ready access. Users or occupants of premises where wastewater is generated or discharged shall allow the city or its representative(s) immediate access to all points on their premises where waste is generated or discharged into a public sewer for the purposes of inspection, sampling, records examination, or in the performance of any of their duties.

(3) Monitoring access. The city, the 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 flow metering operations.

(4) Security arrangements. Where a user has security measures in force that would require proper identification and clearance before entry onto the user's premises, the user shall make necessary arrangements with the user's security guards so that upon presentation of suitable identification, personnel from the city, the approval authority, and EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities. (1979 Code, § 8-415, as amended by Ord. #96-25, Jan. 1997, Ord. #04-07, May 2004, and Ord. #05-36, Nov. 2006, as replaced by Ord. #06-51, Jan. 2007)

18-213. Confidential information. (1) Information and data on a user obtained from reports, questionnaires, permit applications, permits, and

monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(2) When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) permit; provided, however, that such portions of a report shall be available for the 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.

(3) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request. (1979 Code, § 8-416, as replaced by Ord. #06-51, Jan. 2007)

18-214. Protection of equipment. No person shall maliciously, willfully, or negligently break, damage, destroy, deface, tamper with, or remove any equipment or materials that are a part of the city's wastewater system or that are used by the city for the purposes of making waste examinations and waste flow measurements or monitoring. Only persons authorized by the director will be allowed to uncover, adjust, maintain, and remove such equipment and materials. (as added by Ord. #06-51, Jan. 2007)

18-215. Enforcement. (1) Enforcement action. Any user who violates any provision of this ordinance, a condition of a permit or applicable state of federal laws or regulations may be subject to enforcement action by the city as follows:

(a) Notice of violation. Whenever the director determines that a user has violated or is violating this ordinance, a permit, or any prohibition, limitation, or requirement contained in this ordinance, or any other pretreatment requirement, the director may serve upon the user a written notice of violation that shall be addressed to the authorized representative of the user and shall set forth the date and the nature of the violation. Within thirty (30) days of the date of the notice of violation, the user shall submit a written account of the reason for the violation and a plan for the satisfactory correction thereof to the director, and shall schedule a meeting with the director or his designee. Submission of the plan does not relieve the user from liability for any violations occurring either before or after receipt of the notice of violation.

(b) Consent agreements. The director is authorized to enter into consent agreements or other similar documents establishing agreements

with users not in compliance. Such agreements or documents will include specific actions to be taken by a user to correct noncompliance within a specific time period and may be titled "consent order" or "consent agreement." Similar documents shall have the same force and effect as consent orders and administrative orders issued pursuant to § 18-215(1)(c).

(c) Administrative order. If the director finds that a user has violated or continues to violate this ordinance, a permit, or other applicable state or federal law or regulation, the director may issue an administrative order to cease and desist all such violations and direct the user to do any or all of the following:

(I) Immediately comply with all pretreatment requirements;

(ii) Comply with all pretreatment requirements in accordance with a time schedule set forth in the administrative order;

(iii) Take appropriate action to prevent a continuing or threatened violation; and/or

(iv) Disconnect the user's connection to the wastewater system unless the user's discharge can be adequately treated to bring it into compliance.

(d) Emergency suspension. (I) The director may revoke a user's permit or right to discharge to the wastewater system if, in the discretion of the director, such a revocation or suspension is necessary in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the public health, welfare, or to the environment, or that interferes or may interfere with the operation of the water treatment plant, or that causes or may cause the wastewater treatment plant to violate any condition of its NPDES permit.

(ii) A notice of suspension shall be sent to an authorized representative of the user by certified and regular mail or may be hand delivered to the user's facility. A user so notified shall immediately stop or eliminate the discharge. Within fifteen (15) days of the notice of suspension or revocation, a hearing will be held to determine whether the suspension may be lifted or the permit terminated.

(e) Termination of permits. Any of the following may subject a user to having its permit terminated:

(I) Failure to accurately monitor and report the wastewater constituents and characteristics of the discharge;

(ii) Failure to report significant changes in operations or wastewater constituents;

(iii) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(iv) Violation of conditions of the permit. Users whose permits are subject to revocation under this section may be notified of the proposed termination and may be offered an opportunity to show cause why the proposed action should not be taken.

(2) Civil penalties. (a) Any user who is in violation of any provision of this ordinance, a consent agreement, administrative order, a rule, regulation, law, or permit condition may be fined up to fifty dollars ($50.00) per day per violation.

(b) Each day the violation continues may be considered a separate violation.

(c) In determining the amount of a civil penalty, the director may consider the following:

(I) The degree and extent of the harm done to the natural resources of the state, to the public health, or to public or private property as a result of the violation;

(ii) The duration and gravity of the violation;

(iii) The effect on ground or surface water quality, or on air quality;

(iv) The cost of repairing the damage to the wastewater system, to property, and to the natural resources of the state;

(v) The amount of money saved, if any, by noncompliance, including the cost of continuing to discharge in noncompliance instead of stopping operations;

(vi) Whether the violation was committed negligently, grossly negligently, recklessly negligently, willfully, or intentionally.

(vii) The prior record of a user in complying or failing to comply with the conditions of its permit, this ordinance, or other environmental laws and regulations, in effect in the city, other parts of Tennessee, or other states in the United States;

(viii) The cost to the wastewater treatment plant, including attorney's fees, sampling costs, cost of additional laboratory analysis, and the cost of engineering and consulting fees necessary, in the discretion of the city, to determine the nature and extent of damage, prevent further damage, and repair any damage.

(d) Notice of civil penalty. An assessment of civil penalty ("the civil penalty assessment") shall be made by written notice from the director to the authorized representative of the user. The notice shall be sent by certified and regular mail to the address of the user's facility.

(3) Other remedies. The director may use other available remedies to attempt to bring users into compliance including, but not limited to:

(a) Criminal violations. Upon recommendation of the board of mayor and aldermen, the director may request that the city attorney for the appropriate judicial district prosecute users not in compliance with the provisions of applicable Tennessee General Statutes, or that the United States Attorney prosecute users not in compliance with the Clean Water Act and regulations promulgated thereunder.

(b) Injunctive relief. Whenever a user is in violation of the provisions of this ordinance, a permit issued hereunder or any provision thereof, or applicable law or regulation, the director may file a lawsuit in the superior court of the appropriate county for the issuance of a restraining order, or preliminary or permanent injunction restraining the activity by the user in violation of the permit or ordinance.

(c) Water supply severance. Whenever a user is in violation of the provisions of this ordinance, a permit issued hereunder, or provision thereof or applicable law or regulation, the director may request that the public water supplier or other entity providing water to the user, sever the user's water supply and reconnect the water supply only after satisfactory compliance with the user's permit or the provisions of this ordinance.

(4) Remedies nonexclusive. The remedies provided for in this ordinance are not exclusive. The director may take any, all, or any combination of these actions against a user not in compliance. The director is specifically empowered to take more than one enforcement action against any noncompliant user.

(5) Affirmative defenses to discharge violations. (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with this ordinance, a permit to discharge industrial/commercial waste, or any other pretreatment standard, if the requirements set forth below are met.

(b) A user wishing to establish the affirmative defense of upset, as defined in § 18-201(67), shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(I) An upset occurred and the user can identify the cause of the upset;

(ii) The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operating and maintenance procedures;

(iii) The user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset:

(A) A description of the discharge and cause of noncompliance;

(B) The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(C) The steps being taken and planned to reduce, eliminate, and prevent recurrence of the noncompliant discharge.

(c) In any enforcement proceeding, the user seeking to establish the affirmative defense of an upset shall have the burden of proving an upset by the greater weight of the evidence.

(d) Users will have an opportunity for an adjudicatory hearing in accordance with § 18-215(3) on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(e) Whenever there is a loss of power to a facility, the user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of power at a facility until power is restored to the facility or an alternative method of treatment is provided.

(f) Bypass, as defined in § 18-201(8), is prohibited, and the director may take an enforcement action against the user for bypass, unless:

(I) Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, cessation of operations at the facility, or maintenance during normal periods of equipment downtime. (This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance); and

(iii) The user submitted notice of the bypass to the director.

(g) In an enforcement proceeding, the user seeking to establish the defense of bypass will have the burden of proof.

(6) Annual publication of significant noncompliance. At least annually, the director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial/commercial users that were found to be in significant noncompliance with applicable pretreatment standards and requirements, during the previous twelve (12) months. (as added by Ord. #06-51, Jan. 2007)

18-216. Extension of sewer service. Extensions or modifications of the wastewater system shall be accomplished in accordance with the sewer service

extension policy of the city, as may be amended from time to time. (as added by Ord. #06-51, Jan. 2007)

18-217. Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance. (as added by Ord. #06-51, Jan. 2007)

18-218. Conflict. (1) Conflict with other ordinances and regulations. All other ordinances and regulations and parts of other ordinances and regulations inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict. This ordinance shall not affect any litigation or other proceedings pending at the time of its adoption.

(2) Conflict with federal, state, or local law. Nothing in this ordinance is intended to affect any requirements, including standards or prohibitions established by federal, state, or local law, so long as federal, state, or local requirements are not less stringent that the requirements set forth in this ordinance. (as added by Ord. #06-51, Jan. 2007)

18-219. Amendments. The city reserves the right to amend the ordinance. (as added by Ord. #06-51, Jan. 2007)

CHAPTER 3

SEWER RATES, FEES AND CHARGES

SECTION

18-301. Rates.
18-302. Fees and charges.
18-303--18-315. [Deleted.]

18-301. Rates. (1) Free service prohibited. Wastewater service shall not be furnished or rendered free of charge to any person or user, as defined in subsection (2).

(2) Wastewater usage rates. Wastewater service shall be charged at rates established by the City of White House. Users will be charged a fixed amount based on the number of water meters installed unless one (1) water meter is used to serve multiple units. In such cases, each unit will charged at least the fixed rate for each individual unit served. The monthly wastewater rate schedule shall be as follows:

City of White House
Wastewater Rate Schedule
Exhibit A

	Residential	Non-residential
Fixed Rate	$22.08	$48.31
Consumption	$9.53 per 1,000 gallons	$9.53 per 1,000 gallons

City of White House
Wastewater Rate Schedule
Single Meter With Multiple Units
Exhibit B

	Residential	Non-residential
Fixed Rate	$22.08	$48.31
Consumption	$9.53 per 1,000 gallons	$9.53 per 1,000 gallons

(3) Wastewater consumption adjustments. Users may be entitled to an adjustment to their wastewater consumption charges for the use of water not being discharged into the wastewater system and the gallons exceed the account's average consumption by one hundred percent (100%) or greater. Users

wishing to have their wastewater consumption charges adjusted must fill out a wastewater adjustment request form and submit it along with documentation that the leak was repaired to the City of White House Finance Department. Each adjustment will be reviewed on a case-by-case basis by the finance director, or designee, then the user will be notified in writing of the city's decision. When an adjustment is granted, the user charges will be changed to reflect an average consumption based on the previous twelve (12) months of water consumption billing, or the water consumption billing that is available if it is less than twelve (12) months, or the average consumption for all residential users that month if requested by customers who do not meet the other criteria. Wastewater user rates in effect at the time of the adjustment request will be applied to the adjusted consumption figure. Wastewater consumption adjustments may be granted according to the following schedule:

Time frame	**Situation**
Once per calendar year	Filling of swimming pool.
Once per calendar year (not to exceed 3 consecutive billing cycles	Water leak that does not enter the municipal sewer system in the sole judgment of the city

(4) Delinquent payments. Utility usage charges, application fees, and deposits shall be paid by the due date. The city may discontinue utility service to any utility user who fails or refuses to pay the utility charges, application fees, and deposits. The city may discontinue utility services for (i) accounts with no payment activity for ninety (90) days and a past due balance or (ii) accounts with total combined utility charges (wastewater, stormwater, sanitation) in excess of five hundred dollars ($500.00) if such combined utility charges are past due or (iii) accounts with past due application fees or deposits. The City of White House shall be entitled to recover costs incurred in collecting delinquent utility charges. Utility service can only be re-established through the application process for such utility service and payment of related charges, fees and deposits. (1979 Code, § 8-301, as replaced by Ord. #06-51, Jan. 2007, Ord. #07-21, July 2007, Ord. #08-01, Feb. 2008, and Ord. #08-22, Dec. 2008, and amended by Ord. #10-11, July 2010, Ord. #12-12, Oct. 2012, Ord. #15-11, June 2015, Ord. #16-03, Feb. 2016, Ord. #16-11, June 2016, Ord. #16-18, Oct. 2016, Ord. #17-04, March 2017, Ord. #19-10, June 2019 ***Ch18_12-19-19***, Ord. #20-04, April 2020 ***Ch19_01-20-22***, Ord. #20-08, June 2020 ***Ch19_01-20-22***, Ord. #21-06, June 2021 ***Ch19_01-20-22***), Ord. #23-07, May 2023 ***Ch20_08-17-23***, Ord. #23-10, June 2023 ***Ch20_08-17-23***, and Ord. #24-07, July 2024 ***Ch21_04-17-25***)

18-302. Fees and charges. (1) Application fee. A non-refundable application fee in the amount of fifty-five dollars ($55.00) shall be paid by the

applicant for wastewater service at the time the application is filed with the city. Existing users will only be required to pay thirty dollars ($30.00).

(2) Administrative fees. Fees to cover the various administrative costs of obtaining wastewater service for multiple service residential and commercial developments and for any industrial facilities shall be as follows:

(a) Wastewater availability fee in the amount of five hundred dollars ($500.00) shall be paid at the time of application for service if the wastewater director deems that an assessment of system capacity is needed to determine the service availability.

(b) Wastewater plans review fee in the amount of five hundred dollars ($500.00) shall be paid at the time plans are submitted for review.

(c) Field inspection fee in the amount of three hundred dollars ($300.00) minimum shall be paid prior to beginning construction of the wastewater system facilities to be completed by the applicant. Additional fees shall be paid at the rate of fifty dollars ($50.00) per every ten (10) lots or units, or partial increment thereof, to be served above the initial ten (10) lots or units. This fee may be waived at the sole discretion of the wastewater director for individual connections to the wastewater system.

(3) Capital cost recovery fee. A non-refundable fee shall be paid prior to connection to the wastewater system, including individual service connections, to recover a portion of the capital cost expended by the city for the extension of the sewer system that will serve the applicant's request for sewer service. The appropriate fee amount will be a prorated portion of the total capital expenditures by the city for such extension, including all principal and interest on debt at the time of fee payment, with the proration based on the amount of system extension capacity to be utilized by the applicant relevant to the total capacity of the extension.

(4) Capacity fee. A non-refundable fee in the amount appropriate in the following table shall be paid to beginning construction of the individual service connections, to cover the value of the wastewater system capacity to be consumed by the applicant. The only exception allowed to this table will be made for:

(a) Written agreements between the city and the property owners/developers made prior to September 20, 2012. It is the sole responsibility of the property owner/developer to provide proof of this agreement, and;

(b) Facilities where the description of service changes between the time the capacity fee is paid and time the facility goes on-line, or when the property is redeveloped as a different use, the capacity fee in effect at the time the facility goes on-line will prevail when there has been a change in the description of service.

	Table of capacity fees	
	Description of service	Amount
(a)	Single family residence (base fee)	$2,500.00
(b)	Multi-family residence/mobile home parks	$2,500.00 per unit
(c)	Motels, hotels and similar type units	Base fee + $115.00 per unit
(d)	Restaurants	Base fee + $30.00 per seat
(e)	Day care, child care centers, and schools	Base fee + $15.00 per student
(f)	Car wash/truck wash	Base fee + $750.00 per bay
(g)	Self-service laundries	Base fee + $150.00 per washer
(h)	Retail commercial stores	Base fee + $30.00 per 1,000 square ft under roof
(i)	Multiple-unit shopping centers	Base fee per unit
(j)	Assisted care/nursing homes	Base fee + $125.00 per bed
(k)	Hospitals	Base fee + $150.00 per bed
(l)	Service stations	Base fee + $225.00 per pump
(m)	Movie theaters	Base fee + $10.00 per seat
(n)	Other facilities	Base fee + add-on to be determined by the city

(5) Connection fee. A fee of one hundred fifty dollars ($150.00) to cover the costs of field inspection and approval of the physical tap or connection to the city's wastewater system, such connection to be performed on behalf of and at the expense of the applicant by a contractor or plumber approved by the city.

(6) Commercial food preparation fee. A fee of two hundred dollars ($200.00) per year for all users who engage in commercial food preparation requiring the inspection of grease traps and interceptors and other specialty appurtenances preventing the discharge of prohibited fats, oils and grease into the wastewater system.

(7) Industrial permit fee. A fee of one thousand two hundred dollars ($1,200.00) per year for all users who have a pretreatment discharge permit

issued by the city to discharge their wastewater into the city's wastewater system under the conditions and provisions of such permit.

(8) Deposits. Refundable deposits shall be required as follows prior to service being connected or reconnected after service disconnection to the wastewater system:

(a) A maximum deposit of one hundred fifty dollars ($150.00) shall be required for residential property (the "maximum residential deposit"), and

(b) A maximum deposit of two hundred fifty dollars ($250.00) shall be required on all commercial property (the "maximum commercial deposit").

Customers requesting connection or non-delinquent reconnection shall have the option of authorizing the city to check such customer's prior utility payment history through a third party provider. Based on the results of such inquiry,

(i) Residential and commercial customers designated by the third party provider as having a minimum risk of non-payment will not be charged a deposit;

(ii) Residential customers who are designated by the third party provider as having a moderate risk of non-payment shall pay a refundable deposit of seventy-five dollars ($75.00) for residential property, and commercial customers who are designated by the third party provider as having a moderate risk of non-payment shall pay a refundable deposit of one hundred fifty dollars ($150.00) for commercial property; and

(iii) Residential and commercial customers designated by the third party provider as having a high risk of non-payment shall pay the maximum residential deposit and/or the maximum commercial deposit, as applicable. Upon termination of service, any existing deposit will be applied against any unpaid balance of the customer. If any portion of the deposit remains after the payment of any such unpaid balance, such amount shall be refunded to the customer.

(c) Customers requesting reconnection after being disconnected for delinquent payments are required to pay a moderate risk desposit prior to reconnection. This additional deposit will be added to any existing customer deposit and is subject to all other deposit restrictions and procedures.

(9) Returned payment charge. Refer to municipal code § 5-103.

(10) Emergency service charges. When the wastewater system sustains damages due to the actions of a party other than the city, the wastewater department may repair such damages if such repairs are needed immediately, in the sole opinion of the city, to protect the operational integrity of the city's wastewater system. The costs of such repairs shall be charged to the party

responsible for the damages, such costs to be determined by the city's wastewater director. (1979 Code, § 8-302, as replaced by Ord. #06-51, Jan. 2007, Ord. #07-21, July 2007, Ord. #08-01, Feb. 2008, and Ord. #08-22, Dec. 2008, and amended by Ord. #09-03, April 2009, Ord. #10-11, July 2010, Ord. #12-12, Oct. 2012, Ord. #14-07, May 2014, Ord. #15-11, June 2015, Ord. #16-07, March 2016, Ord. #16-18, Oct. 2016, Ord. #17-04, March 2017, Ord. #20-04, April 2020 ***Ch19_01-20-22***, and Ord. #20-08, June 2020 ***Ch19_01-20-22***)

18-303--18-315. [Deleted.] (as deleted by Ord. #06-51, Jan. 2007)

CHAPTER 4

STORMWATER MANAGEMENT

SECTION

18-401. General provisions.
18-402. Jurisdiction.
18-403. Definitions.
18-404. Waivers.
18-405. Stormwater system design: construction and permanent stormwater management.
18-406. Permanent stormwater management: operation, maintenance, and inspection.
18-407. Existing locations and ongoing developments.
18-408. Illicit discharges.
18-409. Enforcement.
18-410. Deleted.
18-411. Appeals.

18-401. General provisions. (1) Purpose. It is the purpose of this chapter to:

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

(b) Enable the city to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 C.F.R. 122.26 for stormwater discharges;

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

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

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

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

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

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

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

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

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

(2) Administering entity. The city's public services director shall administer the provisions of this chapter.

(3) Stormwater management chapter. The intended purpose of this chapter is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering implement to facilitate the necessary control of stormwater. (as added by Ord. #14-28, Dec. 2014)

18-402. Jurisdiction. (1) This stormwater management chapter shall govern all properties within the corporate limits of the City of White House, Tennessee.

(2) Exemptions from article. The following development activities shall be exempt from the provisions of this chapter and requirements of providing stormwater management:

(a) Agricultural land management activities.

(b) Additions or modifications to existing detached single-family dwellings that disturb less than five thousand (5,000) square feet of additional land use.

(c) Developments that do not disturb more than five thousand (5,000) square feet of land use. This exception may not be applied for contiguous properties that may have been subdivided and/or are attributed to multiple separate owners or common plan of development as defined in § 18-403(11). This exemption does not apply to any discharge of sediment or other form of water pollution that may leave a small site. (as added by Ord. #14-28, Dec. 2014, and amended by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-403. Definitions. For the purpose of this chapter, the following definitions shall apply: words used in the singular shall include the plural, and

the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Active channel" means the portion of the stream channel that is subject to frequent flows (approximately once every two (2) years) and the portion of the channel below the floodway.

(2) "Active construction sites" means any site that has a permit for grading and other activities (even if actual construction is not proceeding) and any site where construction is occurring regardless of permits required.

(3) "Administrative or civil penalties." Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than fifty dollars ($50.00) and not more than five thousand dollars ($5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(4) "As built plans" means drawings depicting conditions as they were actually constructed.

(5) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. While this statistical event may occur more frequently, it may also be known as the "100-year flood event."

(6) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(7) "Borrow pit" is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this ordinance.

(8) "Buffer zone" means a setback from the top of a watercourse's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will

require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. Every attempt should be made for development and redevelopment activities not to take place within the buffer zone. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as: type of project, existing land use and physical conditions that preclude use of these practices.

(9) "Buffer zone requirements." (a) "Construction" applies to all watercourses adjacent to construction sites, with an exception for streams designated as impaired or exceptional Tennessee waters, as designated by the Tennessee Department of Environment and Conservation. A thirty foot (30') natural riparian buffer zone adjacent to all jurisdictional water features at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state located within or immediately adjacent to the boundaries of the project, as identified using methodology from standard operating procedures for hydrologic determinations (see rules to implement a certification program for qualified hydrologic professionals, TN Rules Chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The thirty foot (30') criterion for the width of the buffer zone can be established on an average width bases at a project, as long as the minimum width of the buffer zone is more than fifteen feet (15') at any measured location.

(b) Buffer zone requirements for discharges into impaired or exceptional waters: A sixty foot (60') natural riparian buffer zone adjacent to the receiving stream designated as impaired or exceptional waters shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified on a 7.5-minute USGS quadrangle map, or as determined by the director. Buffer zones are not sediment control measures and should not be relied upon as primary sediment control measures. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only

applies to new construction sites. The riparian buffer zone should be established between the top of stream bank and the disturbed construction area. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than twenty-five feet (25') at any measured location.

(c) "Permanent" new development and significant redevelopment sites are required to preserve water quality buffers along waters within the MS4. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage area greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location.

(10) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(11) "Common plan of development or sale" is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

(12) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(13) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 2-year, 5-year, 25-year, etc.,) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the following NAA National Weather Service Atlas 14 data for Tennessee: http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn. Other data sources may be acceptable with prior written approval by the city engineer.

(14) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(15) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

(16) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

(17) "Erosion Prevention and Sediment Control Plan (EPSCP)" means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(18) "Flood or flooding" means water from a river, stream, watercourse, lake or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels and/or increased groundwater level.

(19) "Floodplain" means the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water, which has been or may be covered temporarily by floodwater. For the purposes of this chapter the floodplain is defined as the 100-year floodplain having a one percent (1%) chance of being equaled or exceeded in any given year.

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

(21) "Floodway fringe" means that portion of the floodplain lying outside the floodway.

(22) "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hotspots, but that term is not limited to only these land uses:

(a) Vehicle salvage yards and recycling facilities;

(b) Vehicle service and maintenance facilities;

(c) Vehicle and equipment cleaning facilities;

(d) Fleet storage areas (bus, truck, etc.);

(e) Industrial sites (included on Standard Industrial Classification code list);

(f) Marinas (service and maintenance);

(g) Public services storage areas;

(h) Facilities that generate or store hazardous waste materials;

(i) Commercial container nursery;

(j) Restaurants and food service facilities;

(k) Other land uses and activities as designated by an appropriate review authority.

(23) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(24) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 18-408(2).

(25) "Impervious surface" means a term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.

(26) "Improved sinkhole" is a natural surface depression that has been altered in order to direct fluids into the hole opening. An improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of wastewaters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

(27) "Inspector." An inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

(a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or a corps of engineers permit for construction activities in or around waters of the state;

(b) Update field SWPPPs;

(c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and

(d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

(28) "Intermittent stream" means streams that have flowing water under normal weather conditions. During the dry season and throughout minor drought periods, these streams will not exhibit flow. Geomorphologic characteristics are not well defined and are often inconspicuous. In the absence of external limiting factors (pollution, thermal modifications, etc.) biology is scarce and adapted to the wet and dry conditions of the fluctuating water level.

(29) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and

non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(30) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(31) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(32) "Municipal Separate Storm Sewer System (MS4)" means the conveyances owned or operated by the city for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate storm sewer system.

(33) "National Pollutant Discharge Elimination System permit or a (NPDES) permit" means a permit issued pursuant to 33 U.S.C. 1342.

(34) "Off-site facility" means a structural BMP located outside the subject property boundary described int eh permit application for land development activity.

(35) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(36) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(37) "Perennial stream" means streams that have flowing water continuously recharged by groundwater or surface runoff regardless of weather conditions. It exhibits well defined geomorphologic characteristics and in the absence of pollution, thermal modifications, or other man-made disturbances has the ability to support aquatic life. During hydrological drought conditions, the flow may be impaired.

(38) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(39) "Riparian zone" means areas adjacent to river, lakes, ponds, streams, and other natural water resources with a differing density, diversity, and productivity of plant and animal species relative to nearby uplands. This zone provides a transition from an aquatic ecosystem to a terrestrial ecosystem.

(40) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

(41) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(42) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.

(43) "Sediment Control Measure (SCM)" means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

(44) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees conducting the investigation.

(45) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(46) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(47) "Stormwater coordinator/manager" means the entity designated by the city to administer the stormwater management ordinance under the Public Services Director, and other stormwater rules and regulations adopted by the city.

(48) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(49) "Stormwater management facilities" means the drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(50) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff as prescribed by the ordinance.

(51) "Stormwater Pollution Prevention Plan (SWPPP)" means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best management Practices (BMPs) must be designed, installed, and maintained during the disturbing activities. The SWPPP should

be prepared in accordance with the current Tennessee Erosion and Sediment Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with section 3 of the general NPDES permit for discharges of stormwater associated with construction activities.

(52) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(53) "Structural BMPs" means facilities that are constructed to provide control of stormwater runoff.

(54) "Surface water" means waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes and reservoirs.

(55) "Waste site" means an area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.

(56) "Water quality buffer" see "buffer."

(57) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(58) "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

(59) "Waters" or "waters of the state" means any and all waters, public or private, on or beneath the surface of the ground, which are confined within, flow through, or board upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(60) "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(61) "Wet weather conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months. (Rules and Regulations of the State of

Tennessee, chapter 1200-4-3-.04(3)). (as added by Ord. #14-28, Dec. 2014, and amended by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-404. Waivers. (1) General. No waivers will be granted on any construction or site work project. All construction and site work shall provide for stormwater management as required by this chapter. However, alternatives to the latest NPDES general permit for discharges from small municipal separate storm sewer systems primary requirement for on-site permanent stormwater management may be considered, it:

(a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter. Alternative minimum requirements for on-site management of stormwater discharges shall be established in a stormwater management plan that has been approved by the city.

(2) Adverse downstream conditions prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the city engineer that the proposed alternative 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.

(e) The city manuals also include those necessary guidelines and technical information documents that describe approaches for specific situations. These may be modified from time to time and currently include the following storm water related documents:

(I) Residential infill guidance (as referenced from the Metro Nashville Stormwater Regulations, Volume 1, Appendix H).

(ii) Development of structures in the floodplain.

(e) All stormwater BMPs must comply with lite current State of Tennessee Construction General Permit (CGP).

(3) Grading permit not to be issued where alternatives requested. No grading permit shall be issued where an alternative has been requested until the alternative is approved. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary

requirement for on-site stormwater management. (as added by Ord. #14-28, Dec. 2014)

18-405. Stormwater system design: construction and permanent stormwater management. (1) MS4 stormwater BMP manuals.

(a) Adoption. The city adopts as its MS4 stormwater design and Best Management Practices (BMP) manuals, further written as MS4 BMPs, for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this chapter as if fully set out herein:

(I) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.

(ii) TDEC Permanent Stormwater Management Manual; most current edition.

(iii) The Nashville-Davidson County Metro Stormwater Management Manual (Best Management Practices (BMP) Manual - Volume 4); most current edition.

(iv) The Nashville-Davidson County Metro Stormwater Management Manual (Low Impact Development - Volume 5); most current edition.

(b) The city's BMP manual(s) include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. These include city approved BMPs for permanent stormwater management including green infrastructure BMPs.

(c) The city manual(s) may be updated and expanded from time to time, at the discretion of the governing body of the city, upon the recommendation of the stormwater coordinator or city engineer, based on improvements in engineering, science, monitoring and local maintenance experience, or changes in federal or state law or regulation. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(d) The city manuals also include those necessary guidelines and technical information documents that describe approaches for specific situations. These may be modified from time to time and currently include the following stormwater related documents:

(i) Residential infill guidance (as referenced from the Metro Nashville Stormwater Regulations, Volume 1, Appendix H).

(ii) Development of structures in the floodplain.

(e) All stormwater BMPs must comply with lite current State of Tennessee Construction General Permit (CGP).

(2) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4. Permittees who discharge stormwater through an NPDES-permitted Municipal

Separate Storm Sewer System (MS4) who are not exempted in section 1.4.5 (Permit Coverage through Qualifying Local Program) of the Construction General Permit (CGP) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed Notice of Termination (NOT) to the stormwater coordinator. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's DataViewer website.

Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, chapter 1200-4-6.

Copies of additional applicable local, state or federal permits (i.e., ARAP, TMSP, etc.) must also be provided upon request. If requested, these permits must be provided before the issuance of any permit or other equivalent construction authorization.

(3) Stormwater Pollution Prevention Plan (SWPPP) for construction stormwater management. The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with subsection (4) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(4) Stormwater pollution prevention plan requirements. The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be phased so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate phase of the plan. The plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee. The plan shall also conform to the requirements found in the MS4 BMP manual, and shall include at least the following:

(a) Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of five feet (5') or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains from FEMA information and/or flood studies.

(d) A general description of existing land covers. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(I) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Existing and proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water runoff mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation runoff. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be

detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this chapter.

(p) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the groundwater system through runoff reduction practices.

(r) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(5) General design performance criteria for permanent stormwater management. The following performance criteria shall be addressed for permanent stormwater management at all development sites:

(a) Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) Limitations to the application of runoff reduction requirements include, but are not limited to:

(I) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;

(ii) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;

(iii) Presence of sinkholes or other karst features.

(c) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.

(d) Incentive standards for re-developed sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such credits are additive such that a

maximum reduction of fifty percent (50%) of the standard in the paragraph above is possible for a project that meets all five (5) criteria:

(I) Redevelopment;

(ii) Brownfield redevelopment;

(iii) High density (>7 units per acre);

(iv) Vertical density (Floor to Area Ratio (FAR) of 2 or >18 units per acre); and

(v) Mixed use and transit oriented development (within one-half (1/2) mile of transit).

(e) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS) unless an alternative provided under this chapter is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(f) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirements, the stormwater coordinator may allow runoff reduction measures to be implemented at another location within the same USGS twelve (12) digit Hydrologic Unit Code (HUC) as the original project and within the city's MS4 jurisdiction. Off-site mitigation must be a minimum of 1.5 times the amount of water not managed on-site. The off-site mitigation location (or alternative location outside the twelve (12) digit HUC) and runoff reduction measures must be approved by the stormwater coordinator. The stormwater coordinator shall identify priority areas within the watershed in which mitigation projects can be completed. The stormwater coordinator will have an inventory of appropriate mitigation projects, and develop appropriate institutional standards and management systems to value, evaluate and track transactions. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.

(g) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the MS4 BMP manual.

(h) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(i) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated.

(j) Prior to or during the site design process, applicants for grading/land disturbance permits shall consult with the stormwater coordinator to determine if they are subject to additional stormwater design requirements.

(k) The calculations for determining peak flows as found in the MS4 BMP manual shall be used for sizing all stormwater facilities.

(l) Infill development alternative approach - applicability and requirements.

(i) No project shall add Impervious Area (IA) without meeting the requirements of this section, unless otherwise specificallv exempt from regulation.

(ii) There shall be three (3) tiers of infill development for projects that are subject to infill regulation by this section:

Tier I - Projects creating between eight hundred (800) and two thousand five hundred (2,500) square feet of net additional IA and with the total lot IA exceeding thirty percent (30.0%) must treat, by means of capture of the first inch of rainfall runoff. an IA equal to the net increase of IA.

Tier II - Projects creating between two thousand five hundred (2,500) and eight thousand (8,000) square feet of net additional IA, without regard to total lot IA percent must treat, by means of capture of the first inch of rainfall runoff. an IA equal to the net increase of IA.

Tier III - Projects creating between eight thousand (8,000) and fifteen thousand (15,000) square feet of net added IA, without regard to total lot IA percent, must treat, bv means of capture of the first inch of rainfall runoff an IA equal to tlte net increase of IA. Additionallv, the project design must ensure there is not an increase in the 10-year storm peak flow from the site, and be certified bv a professional engineer.

(iii) Construction projects that meet the definition of regulated residential infill shall include provisions for tlte management of the first inch (1") of rainfall runoff from an impervious area equal to the net added impervious area; and shall not be exempt from the other provisions concerning prohibition o(increase in the degree of flooding.

(iv) Prior to the net addition of at least eight hundred (800) square feet of impervious area or issuance of a building permit, a sufficient development plan and supporting information required by the latest version of the regulated residential infill guidance document shall be submitted to and approved by the city public services department.

(v) The net added impervious area shall be calculated by subtracting the IA present in aerial photography data (or other acceptable method such as existing stamped survey and current photography) from the proposed post-development IA and maintaining the original property boundary as the regulated project boundary, regardless of subdivision, re-plat, horizontal property regime, or any other modification of property boundaries by deed or plat.

(vi) The owner/developer of a project meeting the definition of regulated residential infill shall endeavor to treat the first one inch (1") of rainfall runoff from net added impervious area using methods from the regulated residential infill guidance document. If this treatment proves impractical, analysis of the downstream management system to identify adequate drainage per the regulated residential infill guidance document or improving downstream drainage to mitigate a known flooding problem with assistance from a professional engineer may be considered for all or part of the one inch (1") treatment requirement.

(vii) The city public services department shall have the authority to offer additional runoff volume reduction measures and incentives. Refer to the latest version of the regulated residential infill guidance document for details.

(viii) Notwithstanding other provisions of this section to the contrary, excluded from infill regulation are:

(1) Projects that add less than eight hundred (800) square feet of net new IA,

(2) Projects that add more them fifteen thousand (15,000) square feet of net new IA,

(3) Projects that are on lots larger than forty thousand (40,000) square feet, or

(4) Projects that are on lots with a grading permit previously filed with the City of White House Public Services Department, as long as the post-construction IA conforms to the original grading plan.

(ix) Projects on lots larger than forty thousand (40,000) square feet may seek infill classification on a case-by-case basis.

(6) Minimum volume control requirements. In accordance with § 18-401(1)(c)(iii) the MS4 establishes standards to regulate the quantity of stormwater discharged, therefore:

(a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the MS4 BMP manual. Stormwater detention facilities shall be designed to address the rate at which flow is released over the entire runoff discharge period and the

volume of discharge per rational method, SCS Tr-55 method, or USGS regional regression equations. The appropriate method shall be applied using two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) year design storm events. Typically, twenty-four (24) hour duration events will be required, but designers are encouraged to consider other critical design storm events for comparison. Alternative methods of hydrologic analysis may be used with prior written approval by the City of White House Engineer.

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the city engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(c) New developments shall also meet a stormwater quantity level of service defined by:

(i) Designing road catch basins, minor cross drains, side drains and connecting culverts to convey the10-year storm event.

(ii) Designing bridges, culverts, channels and cross-drains to pass at a minimum the 25-year design storm event.

(iii) Designing bridges, culverts, channels and cross-drains to pass the 50-year design storm runoff for flows greater than or equal to five thousand (5,000) cfs.

(iv) Four foot (4') FFE is based on the 100-year FEMA base flood elevation.

(7) Floodplains. Floodplain alterations or filling shall not cause a new decrease in flood storage capacity below the projected one hundred (100) year flood elevation unless it is shown that the proposed alteration or filling will not cause an increase in the high water level, increase velocities, or aggravate flooding on other properties and will not unduly restrict flood flows. Compensatory cut shall at least be applied in equal amount (1:1) for all fill in the floodplain. Compensatory cut shall at least be applied to one hundred fifty percent (150%) (1.5:1) for all fill in floodplains with waterway reaches determined to be impacted by localized flooding not dominated by waterway backwater effects, as determined by studies accepted or performed by the city. Floodplain may be used for application of water quality devices. This may only be permitted provided EP&SC, water quality, and cut-fill policies are adequately addressed as determined by the city according to the provisions in § 18-411 of this chapter. Detention/retention volumes in the floodplain shall count as fill if applied in a manner where floodplain storage is lost. This section shall in no way provide justification on any level for waiver or modification of buffer zone requirements as stated in other sections of this chapter.

(8) Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the stormwater coordinator to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both

present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic base map. Topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.

(b) Proposed structural and non-structural BMPs;

(c) A written description of the site plan and justification of proposed changes in natural conditions may also be required;

(d) Calculations. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the MS4 BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter. Such calculations shall include:

(i) A description of the design storm frequency, duration, and intensity where applicable;

(ii) Time of concentration;

(iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;

(iv) Peak runoff rates and total runoff volumes for each watershed area;

(v) Infiltration rates, where applicable;

(vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;

(vii) Flow velocities;

(viii) Data on the increase in rate and volume of runoff for the design storms referenced in the MS4 BMP manual; and

(ix) Documentation of sources for all computation methods and field test results.

(e) Soils information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(f) Maintenance and repair plan. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(g) Maintenance easements. The applicant shall ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements shall be binding on the current property owner and all subsequent owners of the property and shall be properly recorded with the appropriate Sumner or Robertson County Register of Deeds in perpetuity.

(h) Maintenance agreements. Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property or a Home Owners Association (HOA) must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities. The maintenance agreement shall:

(i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property or the representative HOA upon which the facility is located and be recorded as such on the plat for the property by appropriate notation. The city will only manage stormwater appurtenances that are located with the city's Right-of-Way (R-O-W).

(ii) Provide for a periodic inspection by the property owners in accordance with the requirements of subsection (v) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this chapter. The property owners will arrange for this inspection to be conducted by a registered professional engineer licensed to practice

in the State of Tennessee, who will submit a signed written report of the inspection to the stormwater coordinator. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the stormwater coordinator.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the stormwater coordinator shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the stormwater coordinator's cost of performing the maintenance shall be a lien against the property.

(i) The City of White House shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this chapter, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the City of White House must also meet the city's construction standard and any other standards and specifications that apply to the particular stormwater facility in question.

(9) Buffers and buffer zones. Buffer and buffer zones shall be those buffers and buffer zones as those terms are defined in § 18-403(7) and (8), above, and shall meet the requirements contained in those provisions.

(a) Construction. (I) Construction requires buffer zone widths of a minimum of thirty feet (30'). The thirty foot (30') criterion for the width of the buffer zone can be established in an average width basis. As long as the minimum width of the buffer zone is fifteen feet (15'). The buffer zone shall meet all the other applicable requirements of § 18-403(5) and (6).

(ii) Construction on impaired or exceptional waters. The width of the buffer zone shall be a minimum of sixty feet (60'). The

sixty feet (60') criterion for the width of the buffer zone can be established on an average basis at a project as long as the minimum width of the buffer is more than thirty feet (30') at any measured location. The buffer zone shall meet all the other applicable requirements of § 18-403(7) and (8).

(b) Permanent. (i) More than one (1) square mile drainage area will require buffer zones of a minimum of sixty feet (60'). The sixty foot (60') criterion for the width of the buffer zone can be established on an average width basis, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location.

(ii) Less than one (1) square mile drainage area. Less than one (1) square mile drainage area will require buffer zones of a minimum of thirty feet (30'). The thirty foot (30') criterion for the width of the buffer zone can be established on an average width basis, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. The buffer zone shall meet all the other applicable requirements of § 18-403(5) and (6).

(10) Requirements for existing locations, developments and subdivisions with no maintenance agreement. The stormwater manager shall, in writing, notify the owners, or HOAs of existing locations, developments and subdivisions of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. In addition, the stormwater manager shall require locations, developments and subdivisions to complete a long term maintenance agreement and plan, which will be subsequently recorded with the respective county that the property is located.

(11) Pre-construction meeting. Attendance at a pre-construction meeting with the City of White House Public Services Department prior to issuance of a grading/land disturbance permit is required for owners and operators of developments or redevelopments that are:

(a) New subdivisions or condominium developments; or

(b) Non-residential land developments that require coverage under the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities; or,

(c) A priority construction activity, as defined in this ordinance.

(d) Owners and operators of land development activities not listed may be required to attend a pre-construction meeting when coordination with adjacent construction activities is needed or when conditions indicate a higher than normal risk for pollutant discharges. (as added by Ord. #14-28, Dec. 2014, and amended by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, Ord. #19-23, Dec. 2019 ***Ch18_12-19-19***, and Ord. #21-16, Aug. 2021 ***Ch19_01-20-22***)

18-406. Permanent stormwater management: operation, maintenance, and inspection. (1) As built plans. All applicants are required to submit actual as-built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee and confirm the resultant conditions meet the original design intent and functionality and reveal specifically any differentiation from approved plans. A final inspection by the city is required before any performance security or performance bond will be released. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall stabilize. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than fifteen (15) days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

(i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fifteen (15) days.

(b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

(c) The following criteria shall apply to revegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in § 18-407. The owners and/or the operators of stormwater management practices shall abide by any legal maintenance agreement's specific requirements and at a minimum:

(a) Perform routine inspections to ensure that the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The stormwater coordinator may require submittal of this documentation.

(b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:

(i) Facility type,

(ii) Inspection date,

(iii) Latitude and longitude and nearest street address,

(iv) BMP owner information (e.g. name, address, phone number, fax, and email),

(v) A description of BMP condition including: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,

(vi) Photographic documentation of BMPs, and

(vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The stormwater coordinator will require submittal of this documentation for confirmation of appropriate maintenance.

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the city, 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.

(6) Danger to public safety or health. In the event that any stormwater management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) 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 city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the property owner which shall be paid within thirty (30) days or the city shall take action to place a lien on the subject property. (as added by Ord. #14-28, Dec. 2014)

18-407. Existing locations and ongoing developments.

(1) Requirements for all existing location and ongoing developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred prior to the enactment of this chapter:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in § 18-406(2)(c)(I), (ii), (iii) and on a schedule acceptable to the stormwater coordinator.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, or other approved methods to prevent erosion.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(e) Stormwater runoff shall, at the discretion of the stormwater coordinator be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:

(i) Ponds
- (A) Detention pond
- (B) Extended detention pond
- (C) Wet pond
- (D) Alternative storage measures

(ii) Constructed wetlands

(iii) Infiltration systems
- (A) Infiltration/percolation trench
- (B) Infiltration basin
- (C) Drainage (recharge) well
- (D) Porous pavement

(iv) Filtering system
- (A) Catch basin inserts/media filter
- (B) Sand filter
- (C) Filter/absorption bed
- (D) Filter and buffer strips

(v) Open channel
- (A) Swale

(2) Requirements for existing problem locations -- no maintenance agreement. The stormwater coordinator shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3) Inspection of existing facilities. The city may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but 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 higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater 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, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the stormwater coordinator under this section are subject to appeal under § 18-411 of this chapter.

(5) Requirements for residential accessory structure. Any residential accessory structure, such as a fence, shed, etc., shall require pre and post inspections and approval by the stormwater manager prior to construction. These private property structures shall not impede the natural infiltration of surface water or flow of stormwater runoff per subdivision regulations subsection 4-102.8, 106.1 and stormwater ordinance § 18-405.

(a) A fee of twenty-five dollars ($25.00) will be assessed for each permit. All fences require approval compliant with design standards. Fence plan/permits shall not be required for maintenance of an existing fence unless the height, materials and/or opacity of the fence is being modified. HOA regulations are not enforceable by the city. Any persons who have constructed a fence prior to the issuance of a permit will be responsible for the removal of the structure in order for the city to perform ditch maintenance. A release of liability form must be signed by the homeowner for any violation or misappropriation of this section. This city must be notified if ownership changes.

(b) All lots shall make adequate provisions for stormwater or floodwater to run-off in the appropriate channels or basins. Activities that include but are not limited th the filling, obstructing, blocking, altering, or loitering of any kind within the easement is strictly prohibited.

(c) Maintenance of any structures on private property is the responsibility of the landowner.

(d) The city will not be responsible for the replacement or re-installation of such structures to perform stormwater mitigation where obstructions have been identified to be within the ROW/drainage easement. (as added by Ord. #14-28, Dec. 2014, as amended by Ord. #20-14, Aug. 2020 ***Ch19_01-20-22***)

18-408. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.

(2) 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 stormwater or any discharge that flows from a stormwater facility that is not inspected in accordance with § 18-407 shall be an illicit discharge. Illicit discharges are defined above in § 18-403 and further consist of non-stormwater discharges including, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks,

improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(a) Uncontaminated discharges from the following sources:

(i) Water line flushing or other potable water sources;

(ii) Landscape irrigation or lawn watering with potable water;

(iii) Diverted stream flows;

(iv) Rising groundwater;

(v) Uncontaminated groundwater infiltration to storm drains;

(vi) Uncontaminated pumped groundwater;

(vii) Foundation or footing drains;

(viii) Crawl space pumps;

(ix) Air conditioning condensation;

(x) Irrigation water;;

(xi) Springs;

(xii) Water from crawl space pumps;

(xiii) Footing drains;

(xiv) Lawn watering;

(xv) Individual residential car washing;

(xvi) Flows from riparian habitats and wetlands;

(xvii) Dechlorinated swimming pool discharges;

(xviii) Street wash water (including tunnel cleaning);

(xix) Discharges or flows from firefighting activities are excluded from the effective prohibition against non-stormwater and need only be addressed where they are identified as significant sources of pollutants to waters.

(b) Discharges specified in writing by the city as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the city has so specified in writing.

(d) Discharges authorized by the Construction General Permit (CGP), which comply with the current permit.

(i) Dewatering of work areas of collected stormwater and groundwater (filtering or chemical treatment may be necessary prior to discharge);

(ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves the site;

(iii) Water used to control dust in accordance with the current permit.

(iv) Potable water sources including waterline flushing's from which chlorine has been removed to the maximum extent practicable;

(v) Routine external building washdown that does not use detergents or other chemicals;

(vi) Uncontaminated groundwater or spring water; and

(vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

(3) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. 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.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, shall be required in accordance with applicable laws, to implement, at the person'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 stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this chapter shall be regarded as illicit.

(5) 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 of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into 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 of such a release of 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 city in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city 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.

(6) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized

garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the city.

(7) Yard waste. The disposal of leaves, grass clippings or other landscape debris into the city's MS4 or deposited within the street, sidewalk or other public right-of-way is prohibited.

(a) Yard waste, heavy brush and bulky items must be property bagged for curbside collection on the days designated by the sanitation department as required in § 17-107.

(b) Waste shall not obstruct the flow of stormwater runoff.

(c) Sweeping services are provided routinely and can be scheduled for your neighborhood by the stormwater department.

Under the authority provided in Tennessee Code Annotated, § 68-221-1106, any person or entity who violates any ordinance or resolution regulating storm water discharges or facilities shall be subject to a civil penalty of not less than fifty dollars ($50.00) or more than five thousand dollars ($5,000.00) per day for each day of violation. (as added by Ord. #14-28, Dec. 2014, and amended by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, Ord. #20-30, Dec. 2020 ***Ch19_01-20-22***, and Ord. #24-13, Sept. 2024 ***Ch21_04-17-25***)

18-409. Enforcement. (1) Enforcement authority. The stormwater coordinator shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in summary in this section. Further details on enforcement shall be as defined in the city's enforcement response plan. (as added by Ord. #14-28, Dec. 2014, and amended by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, and Ord. #24-20, Jan. 2025 ***Ch21_04-17-25***)

18-410. Deleted. (as added by Ord. #14-28, Dec. 2014, and deleted by Ord. #24-20, Jan. 2025 ***Ch21_04-17-25***)

18-411. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the stormwater advisory board. (as added by Ord. #14-28, Dec. 2014, and amended by Ord. #25-20, Jan. 2025 ***Ch21_04-17-25***)

CHAPTER 5

FLOODWAY AND FLOOD FRINGE PROPERTY PROVISIONS

SECTION

18-501. Statutory authorization, findings of fact, purpose and objectives of flood plan.
18-502. Definitions.
18-503. General provisions.
18-504. Administrative.
18-505. Provisions for flood hazard reduction.
18-506. Variance procedures.
18-507. Legal status provisions.

18-501. Statutory authorization, findings of fact, purpose and objectives of flood plan. (1) Statutory authorization. The Legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of White House, Tennessee, Mayor and the White House Board of Aldermen, do ordain as follows:

(2) Findings of fact. (a) The City of White House, Tennessee, Mayor and its Board of Aldermen wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), Ch. 1, section 60.3.

(b) Areas of the City of White House, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

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

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

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this chapter are:

(a) To protect human life. health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains. electric. telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential home buyers are notified that property is in a floodprone area:

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, as replaced by Ord. #20-25, Dec. 2020 ***Ch19_01-20-22***)

18-502. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

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

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' - 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

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

(9) "Building" see "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures" see "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding"

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland or tidal waters.

(ii) The unusual and rapid accumulation or runoff of surface waters from any source.

(iii) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(ii) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some

similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(i) of this definition.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

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

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of White House, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's flood insurance rate map are referenced.

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

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management chapter and includes any subsequent improvements to such structure.

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

after the effective date of this chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood" see "base flood."

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

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

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

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

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Regulatory flood protection elevation" means the "base flood elevation" plus the "freeboard." In "special flood hazard areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot (1'). In "special flood hazard areas" where no BFE has been established, this elevation shall be at least three feet (3') above the highest adjacent grade.

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

(55) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(56) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency" the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(59) "Structure" for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(60) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(61) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be

(a) The appraised value of the structure prior to the start of the initial improvement, or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe

living conditions and not solely triggered by an improvement or repair project or;

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

(62) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(63) "Variance" is a grant of relief from the requirements of this chapter.

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

(65) "Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, as replaced by Ord. #20-25, Dec. 2020 ***Ch19_01-20-22***)

18-503. General provisions flood plan. (1) Application. This chapter shall apply to all areas within the incorporated area of the City of White House, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of White House, Tennessee, as identified by FEMA, and in the Robertson County, Tennessee and Incorporated Areas Flood Insurance Study (FIS) dated February 26, 2021 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47147C405C, 47147C410C, and 47147C415C dated April 16, 2008 and the Sumner County, Tennessee and Incorporated Areas Flood Insurance Study (FIS) dated February 26, 2021 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47165C0257G, 47165C0259G, 47165C0260G, 47165C0262G, 47165C0267G, and 47165C0280G dated April 17, 2012 and 47165C0270H dated February 26, 2021, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

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

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

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body and;

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

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

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of White House, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, as replaced by Ord. #20-25, Dec. 2020 ***Ch19_01-20-22***)

18-504. Administration flood plan. (1) Designation of ordinance administrator. The planning and codes director is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage:

(i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in §18-505 (1) and (2).

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

(v) A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

(vi) In order to determine if improvements or damage meet the substantial improvement or substantial damage criteria, the applicant shall provide to the floodplain administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

(A) An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.

(B) Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.

(C) A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.

(D) A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(c) Finished construction stage. For all new construction and substantial improvements, the permit holder shall provide to the administrator a final finished construction elevation certificate (FEMA Form 086-0-33). A final finished construction elevation certificate is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The administrator will keep the certificate on file in perpetuity.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which

approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 18-504(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 18-504(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 18-504(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of White House, Tennessee FIRM meet the requirements of this chapter.

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter be maintained in a separate file or marked for expedited retrieval within combined files.

(l) A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the

permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. in some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The finished construction elevation certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in subsection (i). To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three feet by three feet (3" x 3"). Digital photographs are acceptable. (as added by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, as replaced by Ord. #20-25, Dec. 2020 ***Ch19_01-20-22***)

18-505. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed

and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter;

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

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 18-504(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 18-505(1), are required:

(a) Residential Structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 18-502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 18-502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in § 18-504(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

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

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 18-504(2).

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels,

(B) In expansions to existing manufactured home parks or subdivisions, or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

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

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 18-502).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 18-505(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

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

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 18-505(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 18-503(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however,

provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

(b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(c) ONLY if § 18-505(3) provisions (i) through (ii) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 18-505(1) and (2).

(4) Standards for areas of special flood hazard zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 18-503(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) Require until a regulatory floodway is designated, that no new construction, substantial , or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

(b) A community may permit encroachments within within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(c) ONLY if § 18-505(4), provisions (a) through (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 18-505(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the Special Flood Hazard Areas established in § 18-505(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 18-505(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 18-502). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 18-504(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 18-505(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of White House, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 18-505(1) and (2). Within approximate A Zones, require that those subsections of § 18-505(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (Zone AO). Located within the special flood hazard areas established in § 18-503(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined

channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to § 18-505(1) and (2), all new construction and substantial improvements shall meet the following requirements:

(a) The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one foot (1') above the highest adjacent grade; or at least three feet (3') above the highest adjacent grade, if no depth number is specified.

(b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in § 18-505 (6)(a) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with § 18-504(2)(a), (3), and § 18-505 (2)(b).

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

(7) Standards for areas of shallow flooding (Zone AH). Located within the special flood hazard areas established in § 18-503(2), are areas designated as shallow flooding areas. These areas are subject to inundation by one percent (1%) annual chance shallow flooding (usually areas of ponding) where average depths are one to three feet (1' - 3'). Base flood elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of § 18-505(1) and (2), all new construction and substantial improvements shall meet the following requirements:

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

(8) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 18-503(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 18-504 and 18-505 shall apply.

(9) Standards for unmapped streams. Located within the City of White House, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative

effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 18-504 and 18-505. (as added by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, as replaced by Ord. #20-25, Dec. 2020 ***Ch19_01-20-22***)

18-506. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The City of White House, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the board of aldermen.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of thirty-five dollars ($35.00) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by

the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of White House, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

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

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

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

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

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this chapter, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 18-506,

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #20-25, Dec. 2020 ***Ch19_01-20-22***)

18-507. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of White House, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

(3) Effective date. This ordinance shall become effective February 26, 2021 in accordance with the Charter of the City of White House, Tennessee, and the public welfare demanding it. (as added by Ord. #20-25, Dec. 2020 ***Ch19_01-20-22***)

CHAPTER 6

STORMWATER UTILITY ORDINANCE

SECTION

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18-601. Title and purpose. This chapter shall be known as the "Stormwater Utility Ordinance" for the City of White House, Tennessee.

(1) Introduction. The City of White House finds, determines and declares that the stormwater system, which provides for the collection, treatment, storage and disposal of stormwater, provides benefits and services to all property within the city's MS4 jurisdiction. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater, the reductions of hazards to property and life resulting from stormwater runoff, improvements in general health and welfare through reduction of undesirable stormwater conditions, and improvements to water quality in the stormwater and surface water system and its receiving waters.

(2) Purpose. In accordance with Tennessee Code Annotated, § 68-221-1101, et seq., the City of White House desires to develop a stormwater utility in order to provide a funding mechanism to operate and maintain the City of White House's Stormwater Management Program and finance the necessary stormwater repairs, replacements, improvements, and extensions necessary to protect the health, safety and welfare of the public. The stormwater utility purpose is to:

(a) Administer and enforce the City of White House Stormwater Management Ordinance;

(b) Administer, plan, and implement stormwater projects to protect, maintain, and enhance the environment of the City of White House;

(c) Implement activities necessary to maintain compliance with the National Pollutant Discharge Elimination System (NPDES) permit and applicable regulations, 40 CFR section 122.26 for stormwater discharges;

(d) Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility; and

(e) Advise the board of mayor and aldermen and other City of White House departments on matters relating to the utility.

(3) Administering entity. The stormwater utility shall be part of the public services department. The stormwater utility, under the direction and supervision of the director of public services or his designee, shall administer the provisions of this stormwater utility ordinance as approved by the city administrator. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-602. Jurisdiction. The stormwater utility ordinance shall govern all properties within the corporate limits of the City of White House. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-603. Definitions. For the purpose of this chapter, the following definitions shall apply:

(1) "Agricultural property." Property which is zoned agricultural and/or property which yields an annual minimum, or in which the annual minimum has been met in two (2) of the last five (5) years, of one thousand dollars ($1,000.00) of agricultural products produced and/or sold from the operation of the property. Agricultural production shall include agricultural, forest, and/or livestock production as defined by the United States Department of Agriculture, Natural Resources Conservation Service, Environmental Quality Incentive Program. Proof of agricultural producer status may include IRS from 1040 Schedule F or other accounting records certified by a tax preparer.

(2) "Base rate." The stormwater user fee for a detached single-family residential property in the City of White House.

(3) "Best Management Practices" or "BMPs." The physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of White House, and that have been incorporated by reference into the stormwater management ordinance as if fully set out therein.

(4) "Construction." The erection, building, acquisition, alteration, reconstruction, improvement or extension of stormwater facilities; preliminary

planning to determine the economic and engineering feasibility of stormwater facilities; the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of stormwater facilities; and the inspection and supervision of the construction of stormwater facilities.

(5) "Deficient property." Real property that does not have adequate stormwater facilities as required in the latest edition of the City of White House stormwater regulations.

(6) "Developed property." Real property which has been altered from its natural state by the creation or addition of impervious areas, by the addition of any buildings, structures, pavement, drives or other improvements.

(7) "Equivalent Residential Unit" or "ERU." The average of the total square footage of the impervious surface areas from a representative sample of developed single-family residential property within the City of White House as approved by the board of mayor and alderman.

(8) "Exempt property." All public rights-of-way, public streets and public roads, public alleys, public sidewalks and public greenways, public "park and ride" facilities and bus stops within the City of White House. For purposes of this definition, "public" shall mean that which is maintained by or is or is to be dedicated to the City of White House and/or the State of Tennessee or the government of the United States.

(9) "Fiscal year." July 1 of a calendar year to June 30 of the next calendar year, both inclusive.

(10) "Impervious surface." A surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.

(11) "Impervious surface area." The number of square feet of horizontal surface covered by buildings, and other impervious surfaces.

(12) "Other developed property." Developed property other than single-family residential property. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, hospitals, schools, recreational and cultural facilities, hotels, offices, and churches. Such property shall also include single-family dwellings which are attached to or otherwise a part of a building housing a commercial enterprise. Any single-family residential structure which contains more than two (2) attached dwelling units is specifically included in this definition.

(13) "Person." Any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(14) "Property owner." The property owner of record as listed in the county's tax assessment roll. A property owner includes any individual,

corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.

(15) "Single-family residential property." A developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A single-family detached dwelling, a townhouse, an accessory apartment or second dwelling unit, a duplex, a condominium, a villa, or a garden home is included in this definition. A single-family dwelling which is attached to, or otherwise a part of, a building housing a commercial enterprise is not included in this definition.

(16) "Stormwater." Stormwater runoff, snow melt runoff, surface runoff, infiltration, and drainage.

(17) "Stormwater management." The programs to manage quality and quantity of stormwater runoff.

(18) "Stormwater system." The natural or manmade system that collects, conveys, stores, treats or otherwise affects stormwater or surface water.

(19) "Stormwater user fee" or "fee." The utility service fee established under this chapter and levied on owners or users of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the City of White House. The stormwater user fee is in addition to other fees that the City of White House has the right to charge under any other rule or regulation of the City of White House.

(20) "Stormwater utility." A management structure that is responsible solely and specifically for the stormwater management program and system.

(21) "Stormwater utility management fund" or "fund." The fund created by this chapter to operate, maintain, and improve the City of White House's stormwater system.

(22) "Surface water." Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, ponds, wetlands, marshes and sinkholes.

(23) "User." The owner or customer of record of property subject to the stormwater user fee imposed by this chapter.

(24) "Vacant/undeveloped property." Property on which there is no structure for which a certificate of occupancy has been issued.

Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-604. Funding of stormwater utility. Funding for the stormwater utility's activities may include, but not be limited to, the following:

(1) Stormwater user fees;

(2) Civil penalties and damage assessments imposed for or arising from the violation of the City of White House Stormwater Management Ordinance and City of White House Stormwater Utility Ordinance;

(3) Stormwater permit and inspection fees if so separated from the grading permit process; and

(4) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Government Public Obligations Act of 1986 (Tennessee Code Annotated, title 9, chapter 21). (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-605. Stormwater utility management fund. All revenues generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility management fund and used to fulfill the purposes of the stormwater utility. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-606. Operating budget. The board of mayor and aldermen shall adopt, based on a recommendation from the stormwater utility, an operating budget for the stormwater utility management fund each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-607. Stormwater user fee established. There shall be imposed on each and every developed property in the City of White House, except exempt property, a stormwater user fee, which shall be set from time to time by ordinance as adopted by the board of mayor and aldermen, and in the manner and amount prescribed by this chapter. Prior to amending the stormwater user fee, the City of White House shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the City of White House at least thirty (30) days in advance of the meeting of the board of mayor and aldermen which shall consider the adoption of the fee or its amendment. The initial base rate for each ERU as established with this chapter is hereby set at eight dollars ninety-nine cents ($8.99) per month. (as added by Ord. #14-28, Dec. 2014, and amended by Ord. #16-12, June 2016, and Ord. #17-15, June 2017, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-608. Equivalent Residential Unit (ERU). (1) Establishment. There is established for purposes of calculating the stormwater user fees the Equivalent Residential Unit (ERU) as a method of measurement.

(2) Definition. The ERU is the average of the total square footage of the impervious surface areas of developed single-family residential property within the City of White House as approved by the board of mayor and aldermen.

(3) Setting the ERU. The ERU shall be modified as necessary by the board of mayor and aldermen in future years where adjustment seems required by changes in local conditions. The initial stormwater utility study concerning the ERU in the municipal city limits and hereby established by this chapter is three thousand nine hundred thirty-six (3,936) square feet.

(4) Source of ERU. The board of mayor and aldermen shall have the discretion to determine the source of the data from which the ERU is established, taking into consideration the general acceptance and use of such source on the part of other stormwater systems, and the reliability and general accuracy of the source including but not limited to property tax assessor's rolls, site examination, mapping information, aerial photographs, and other reliable information.

(5) Evaluation of ERU. The ERU shall be evaluated by the stormwater utility as necessary, but the ERU shall be evaluated at least every five (5) years. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-609. Property classification for stormwater user fees.

(1) Property classifications. For purposes of determining the stormwater user fee, all properties in the City of White House are classified into one of the following categories:

(a) Single-family residential property;
(b) Other developed property;
(c) Vacant/undeveloped property;
(d) Agricultural property; or
(e) Exempt property.

(2) Single family residential fee. The board of mayor and aldermen finds that the intensity of development of most parcels of real property in the City of White House classified as single-family residential is similar and that it would be excessively and unnecessarily burdensome on the taxpaying citizens of the city to determine precisely the square footage of the impervious surface on each such parcel. Therefore, all single-family residential properties in the City of White House shall be charged the same stormwater user fee, equal to the ERU base rate, regardless of the size of the parcel or the impervious surface area of the improvements, except as provided herein. Single-family residential property in which the impervious surface exceeds ten thousand (10,000) square feet, including any detached accessory structures, shall be charged the same as the fee for other developed property.

(3) Other developed property fee. The fee for other developed property (i.e., non-single-family residential property) in the City of White House shall be

the base rate multiplied by the numerical factor obtained by dividing the total impervious area (square feet) of the property by the standard ERU area and rounded up to the next whole number. The minimum stormwater user fee for other developed property shall equal the base rate for a single-family residential property.

(4) Vacant/undeveloped property fee. The fee for vacant/undeveloped property in the City of White House shall be as follows:

(a) If the property contains less than one thousand eight hundred (1,800) square feet of impervious surface, then no stormwater user fee shall be charged;

(b) If the property contains one thousand eight hundred (1,800) square feet or more of impervious surface as other developed property, with the minimum charge being the single-family residential fee.

(5) Agricultural property. The fee for agricultural property in the City of White House shall be as follows, except as exempted under Tennessee Code Annotated, § 68-221-1107 where the property owner or operator is conducting activities satisfying the requirements as a qualified farmer or nurseryman:

(a) If the property contains impervious surface in an amount equal to or less than ten thousand (10,000) square feet, then the minimum stormwater user fee for such property shall equal the base rate for a single-family residential property;

(b) If the property contains impervious surface in an amount greater than ten thousand (10,000) square feet, then the property shall be charged in the same manner as other developed property.

(6) Exempt property. There shall be no stormwater user fee for exempt property as defined in this chapter or as otherwise provided by state law. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-610. Base rate. The board of mayor and aldermen shall, by ordinance as adopted by the board of mayor and aldermen, establish the base rate for the ERU. The base rate shall be calculated to insure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the City of White House. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-611. Property owners to pay charges. The owner of each property shall be obligated to pay the stormwater user fee as provided in this chapter, provided however, that if no sewer or solid waste disposal service is being provided at the property to the owner as a customer of record and such service is being provided to a customer of record other than the owner, it shall be presumed that the owner and such customer of record have agreed that the customer of record shall be obligated to pay such stormwater user fee. If the

customer of record other than the owner refuses to pay the stormwater user fee, the owner of each developed property shall be obligated to pay the stormwater user fee as defined in this chapter.

Non-residential multi-tenant properties shall be billed according to the placement of sewer meters. For example, if the property contains individual unit meters, then billing for the stormwater user fee shall be billed to individual units based on the unit's pro rata percentage of impervious surface. If the multi-tenant property contains a master meter, then the stormwater user fee for the entire impervious surface area shall be billed to the customer of record for such master meter.

Each unit of a multi-tenant residential building shall be billed a minimum charge, the same being the single-family residential fee, to the customer of record for the unit. If an individual unit is not individually billed for any solid-waste or sewer service, (i.e. sewer service is billed to a master meter) then the customer of record for the master meter shall be billed as other developed property based on the total impervious surface area. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-612. Billing procedures and penalties for late payment.

(1) Rate and collection schedule. A stormwater user fee shall be set at a rate as set forth and adopted by the board of mayor and aldermen ordinance, collected at a location and on a schedule, established in accordance with this chapter. The stormwater user fee shall be billed and collected monthly with the monthly utility services bill for those properties within the corporate limits. The stormwater user fee for those properties utilizing city utilities is part of a consolidated statement for utility customers, which is generally paid by a single payment to the City of White House. All bills for the stormwater user fee shall become due and payable in accordance with the rules and regulations of the applicable utilities department pertaining to the collection of the stormwater user fees. Adjustments to the applied rate and collection on any property or user may be initially addressed with the public service director having authority to correct billings strictly in accordance with this regulation. Any formal appeals of the public service director decisions shall be as described and in accordance with the appeals section of this chapter.

(2) Delinquent bills. Refer to "delinquent account" definition in municipal code § 18-201.

(3) Failure to pay. Refer to municipal code §§ 18-301 and 18-302.

(4) Mandatory statement. Pursuant to Tennessee Code Annotated, § 68-221-1112, each bill that shall contain stormwater user fees shall contain the following statement in bold: "**THIS TAX HAS BEEN MANDATED BY CONGRESS**." Although the mandatory statement will be placed on each bill, the City of White House Board of Mayor and Aldermen hereby finds and declares that the stormwater user fee is a utility service fee and not a tax. (as

added by Ord. #14-28, Dec. 2014, amended by Ord. #17-06, April 2017, renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, and amended by Ord. #20-05, April 2020 ***Ch19_01-20-22***)

18-613. Appeals of fees. Any person who disagrees with the calculation of the stormwater user fee, as provided in this chapter, may appeal such fee determination to the stormwater advisory board within ten (10) days after the date the payment is due. Any appeal not filed within the time permitted by this section shall be deemed waived.

All appeals shall be filed in writing addressed to the director of public services and shall state the grounds for the appeal and the amount of the stormwater user fee the appellant asserts is appropriate and inappropriate. The appeal shall provide such information and documentation supporting the basis of the appeal. The appeal shall be accompanied by an appeal review fee of three hundred dollars ($300.00). The appeal review fee shall be refunded to any party who prevails in an appeal of the calculation of the stormwater user fee. As a condition to maintaining an appeal, the appellant shall pay all charges billed under protest prior to or at the time of the filing of the appeal.

The stormwater advisory board shall review the appeal and determine whether the challenged determination is consistent with the provisions of this chapter. Appeals related to the stormwater user fee shall be decided based on substantiated evidence with a sound engineering and factual basis. All appeal determinations shall be applied utilizing a strict interpretation of the stormwater utility ordinance. At any hearing related to an appeal or credit determination, the city shall be allowed to present evidence, findings, and recommendations; appealing parties and applicants shall be given an opportunity to present evidence, findings, and recommendations. The stormwater advisory board may request additional information from the appealing party; the board may defer the determination of an appeal one (1) time to the next regularly scheduled meeting of the stormwater advisory board. Each appeal shall be placed on the stormwater advisory board agenda for the next regularly scheduled meeting, which meeting is at least twenty (20) days after the director of public services receives the written appeal. The director of public services shall notify the appellant customer of the date of the appeal review hearing in writing; such written notice shall be given at least ten (10) days prior to the hearing by regular mail at the address provided in the written appeal document. The decision of the stormwater advisory board shall be final and conclusive with no further administrative review.

If a refund is due, the director of public services shall authorize the refund which will be provided as a credit against the customer's stormwater user fee billings until such credit is exhausted. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-614. <u>Stormwater user fee credit and adjustment policy</u>. Stormwater user fee credits and adjustments are available to other developed property (i.e. non-single-family residential property) with exception to a small homes credit, which is available exclusively for single-family residential property as outlined in the Stormwater Utility Credit and Adjustment Policy Manual. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-615. <u>Effective date</u>. This chapter shall become effective as of the date of passage of the ordinance comprising this chapter on second reading by the board of mayor and aldermen. Stormwater user fees shall be charged as a utility billing for all customers within the corporate city limits no beginning January 1, 2015 at one (1) ERU for all users. The final ERU billing rates for each of the specific fee classifications will take full effect for all users beginning July 1, 2015. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

CHAPTER 7

STORMWATER ADVISORY BOARD

SECTION

18-701. Established.
18-702. Composition; terms; filling vacancies.
18-703. General duties of the stormwater advisory board.
18-704. Appeals process.
18-705. Variances.
18-706. Meetings, quorum.

18-701. Established. There is hereby established a board of seven (7) members to be known as the "stormwater advisory board." (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-702. Composition; terms; filling vacancies. The seven (7) members of this board shall be appointed by the mayor, subject to the approval of the board of mayor and aldermen. The mayor shall appoint members with the following representations: one (1) representative from the planning department, one (1) representative from public services, one (1) representative from the city administration at large, one (1) representative from the city engineer, one (1) representative employed or retired from a business establishment regulated by this article, one (1) citizen residing within the city limits of White House, and one (1) representative that is a current member of the board of mayor and aldermen. The stormwater coordinator will not be an appointed member of the stormwater advisory board but shall attend the meetings of the stormwater advisory board on behalf of the city. All members shall serve until their successor is appointed. In the event of a vacancy, the mayor shall appoint a member to fill the unexpired term subject to approval by the board of mayor and aldermen. The stormwater advisory board shall select its own chair and vice chair. All officers shall serve for terms of one (1) year. (as added by Ord. #14-28, Dec. 2014, renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, and amended by Ord. #24-15, Oct. 2024 ***Ch15_04-17-25***)

18-703. General duties of the stormwater advisory board. In addition to any other duty or responsibility otherwise conferred upon the stormwater advisory board by chapters 4 and 5 of this title, the stormwater advisory board shall have the duty and power as follows:

(1) To recommend from time to time to the board of mayor and aldermen that it amend or modify the provisions of chapters 4 through 6 of this title;

(2) To hold hearings relating to the suspension, revocation, or modification of a permit due to stormwater related infractions and issue appropriate orders relating thereto;

(3) To hold hearings relating to an appeal from a user concerning the accuracy of any fees imposed upon the same stormwater management system user;

(4) To hold such other hearings as may be required in the administration of this title and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this title;

(5) To request assistance from any officer, agent, or employee of the City or the White House Municipal Planning Commission and to obtain such information or other assistance as the stormwater advisory board might need;

(6) To provide guidance to the stormwater coordinator concerning community initiatives, community involvement, public interface and public projects as may from time to time be required to improve the water quality within the jurisdiction in accordance with the intent of this title.

(7) To review the department's previous quarterly agendas, and

(8) To review any outstanding stormwater complaints and determine site-specific best management practices. (as added by Ord. #14-28, Dec. 2014, renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***, and amended by Ord. #21-16, Aug. 2021 ***Ch19_01-20-22***)

18-704. Appeals process. An appeal to the stormwater advisory board may be taken by any person, firm or corporation aggrieved or affected by any governmental officer, department, or division or by any decision of the stormwater manager based in whole or in part upon the provisions of this section. Such appeal shall be taken by filing in writing with the stormwater advisory board a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of seventy-five dollars ($75.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The stormwater manager shall transmit to the board all papers constituting the record upon which the appeal action was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof. as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty-five (35) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney. (as added by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-705. Variances. (1) The stormwater advisory board may grant a variance from the requirements in this title, provided to do so would not result in the violation of any state or federal law or regulation and if exceptional circumstances applicable to the site exist such that strict adherence to the

provisions of this title will result in unnecessary hardship and will not result in a condition contrary to the intent of the title.

(3) Variance requests shall be reviewed by the stormwater advisory board and may be granted using the following criteria:

(a) Those projects or activities where it can be demonstrated that strict compliance with the ordinance would result in severe practical difficulty. Each of the following criteria must be satisfied to show practical difficulty:

(I) The problem is not self-created.

(ii) The situation of the landowner is due to the unique conditions of the property. A unique condition is a condition that is peculiar to the subject property that relates to a physical aspect of the subject property.

(iii) Compliance with the strict letter of the restrictions governing physical requirements such as lot area, setbacks, and lot coverage unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

(b) Those projects or activities serving a public need where no feasible alternative is available.

(c) The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed.

(d) Other considerations, such as:

(i) The proximity of the facility to a waterfront location, in the case of a functionally dependent facility.

(ii) The relationship of the proposed use to the White House Zoning Ordinance, Comprehensive Land Use Plan, and other community master planning documents for that area.

(iii) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(iv) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such a sewer, gas, electrical, and water systems, and streets and bridges.

(v) Whether issuance of a variance is the minimum necessary so as not to destroy the character and design of a historic building or feature.

(3) Conditions for variances. (a) In approving a variance, the stormwater advisory board may impose conditions on the approval. The conditions shall be identified in the variance approval.

(b) Variances shall be issued upon a determination that the variance is the minimum relief necessary.

(c) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result ill 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.

(d) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as twenty five dollars ($25.00) for one hundred dollars ($100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(e) The decisions of the stormwater advisory board shall be final and conclusive.

(f) The stormwater manager shall maintain the records of all appeal actions and report any variances to FEMA upon request.

(4) Effect of a variance. The issuance of a variance shall authorize only the particular variation that is approved. A variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

(5) Subsequent development. Development authorized by the variance shall not be carried out until the applicant has secured all other approvals required by this title or any other applicable local, state or federal law or regulation. A variance shall not ensure that the development feature approved as a variance shall receive subsequent approval for other applications for development approval unless the relevant and applicable portions of this title's other applicable provisions are met.

(6) Time limit. Unless otherwise specified in the variance, an application for a permit (related to this stormwater variance) shall be applied for and approved within one (1) year of the date of the variance approval; otherwise the variance shall become invalid. Permitted time frames do not change with successive owners. (as added by Ord. #14-28, Dec. 2014, and amended and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

18-706. Meetings, quorum. (1) The stormwater advisory board shall hold regular monthly meetings as needed, but no less than once per quarter and such special meetings as the stormwater advisory board may find necessary.

(2) Four (4) members of the stormwater advisory board shall constitute a quorum. A concurring vote of a majority of the voting members present shall be necessary to deny or grant any appeal or other action of the board.

(3) The stormwater advisory board meetings, deliberations, and records shall be open to the public. The stormwater advisory board may elect to provide for public comment on relevant issues. (as added by Ord. #14-28, Dec. 2014, and renumbered by Ord. #18-31, Dec. 2018 ***Ch18_12-19-19***)

TITLE 19

ELECTRICITY AND GAS

CHAPTER
1. GAS.

CHAPTER 1

GAS[1]

SECTION
19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, 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.[2]

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

[2]The agreements are of record in the office of the city recorder.

TITLE 20

MISCELLANEOUS

CHAPTER
1. TELEPHONE FRANCHISE.
2. AUTOMATIC BURGLAR ALARMS.
3. PUBLIC RECORDS POLICY AND FEES.

CHAPTER 1

TELEPHONE FRANCHISE

SECTION
20-101. To be furnished under franchise.

20-101. To be furnished under franchise. Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.[1] The rights, powers, duties, and obligations of the municipality, 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.

[1]The agreements are of record in the office of the city recorder.

CHAPTER 2

AUTOMATIC BURGLAR ALARMS

SECTION

20-201. Definitions.
20-202. Registration required.
20-203. False alarm service charge.
20-204. Liability of city limited.
20-205. Penalties.

20-201. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section.

(1) "Activate" means to "set off' an alarm system indicating in any manner an incidence if burglary, robbery, fire, etc.

(2) "Alarm equipment supplier." Any person who sells, leases or installs automatic alarm systems which transmit alarms upon receipt of a stimulus from a detection apparatus.

(3) "Alarm system." Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police and/or fire departments is expected to respond.

(4) "Alarm user." The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

(5) "Automatic telephone dialing alarm system." Any alarm system which upon being activated automatically transmits by telephone or telephone line to the White House Police Department a recorded message or code signal indicating a need for emergency response.

(6) "Central station alarm system." An alarm system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded in, and maintained and supervised from a central station other than the White House Police Department.

(7) "Commercial premises." means any structure or area which is not defined in this section as residential premises.

(8) "Direct connect." An alarm system which has the capability of transmitting system signals to and receiving them at the White House Police Department Communications Center.

(9) "False alarm." A visual and/or audible signal transmitted by an alarm system, which indicates the existence of an emergency situation, when in fact, no such emergency exists, and, shall include any activation of an alarm system by whatever means, but shall not include alarms resulting from any of the following causes:

(a) Criminal activity.

(b) Earthquake causing structural damage to the protected premises;

(c) Hurricane winds causing structural damage to the protected premises;

(d) Flooding of the protected premises due to overflow of natural drainage;

(e) Lightning causing physical damage to the protected premises;

(f) Fire causing structural damage to the protected premises verified by the fire department;

(g) Telephone line malfunction verified in writing to the police department by an authorized telephone company supervisor within seven (7) days of the occurrence; or

(h) Electrical service interruption verified in writing to the police department by the local power company manager within seven (7) days of the occurrence.

If the alarm, when communicated to the police department before an officer is dispatched to investigate, is clearly identified to the department as resulting from authorized entry, authorized system test, or other non-criminal cause through use of a pre-assigned code number, it shall not be considered a false alarm.

If police and/or fire units, responding to an alarm and checking the protected premises according to standard department operating procedures, do not discover any evidence of unauthorized entry or criminal activity, or any evidence of a fire, there shall be a rebuttable presumption that the alarm is false. Entries in the police department "daily log" shall be prima facie evidence of the facts stated therein with regard to alarms and responses.

(10) "Fire officer" means the fire chief of White House Fire Department or his designated representative.

(11) "Law enforcement officer" means the chief of police of the White House Police Department or his designated representative.

(12) "Residential premises" means any structure or combination of structures which serve as dwelling units including single-family as well as multifamily units.(as added by Ord. #98-15, July 1998, as replaced by Ord. #06-19, March 2006)

20-202. <u>Registration required</u>. (1) Every person who shall own, operate, or lease any alarm system shall, prior to use of the alarm system, whether residential or commercial, give notice to the White House Police Department Records Section on forms to be provided and obtain a permit. The information submitted on the forms shall include:

(a) The name of alarm company;

(b) Whether installed in a residential or commercial property;

(c) The name, address, business and/or home telephone number of the owner or lessee of the alarm system;

(d) The names, addresses and telephone numbers of at least two (2) persons to be notified in the event of an alarm activation, including the name, address, and telephone number of at least one local person to be responsible for the alarm system. (as added by Ord. #98-15, July 1998, and amended by Ord. 99-06, April 1999, as replaced by Ord. #06-19, March 2006, and amended by Ord. #06-30, Aug. 2006)

20-203. False alarm service charge. An alarm user shall be charged a service charge of twenty-five dollars ($25.00) for each false alarm in excess of one (1) in any three (3) month period transmitted by any alarm system. Such service charge shall be remitted to the city by the alarm user upon receipt of the statement for such service charge. (as added by Ord. #98-15, July 1998, and renumbered by Ord. #99-06, April 1999, as replaced by Ord. #06-19, March 2006)

20-204. Liability of city limited. The city assumes no liability for:

(1) Any defects in the operation of an alarm system.

(2) For failure or neglect to respond appropriately upon receipt of an alarm.

(3) For failure or neglect of any person in connection with the installation, operation or maintenance of an alarm system.

(4) The transmission of alarm signals, prerecorded alarm messages or the relaying of such signals and messages. (as added by Ord. #98-15, July 1998, and renumbered by Ord. #99-06, April 1999, as replaced by Ord. #06-19, March 2006)

20-205. Penalties. (1) It is a violation of this chapter to have a functional alarm system without having obtained a permit as required by § 20-202.

(2) Having an alarm activated without a permit shall constitute a violation of this chapter.

(3) It is a violation of this chapter to have more false alarms than are allowable within a fiscal permit year as set in § 20-203.

(4) Any person who owns, operates or leases an alarm system and who knowingly and purposefully fail to respond or have his designee respond to his premises within one (1) hour after notification by police or fire personnel of alarm activation, whether false or not, shall be deemed to have violated this chapter.

(5) It is a violation of this chapter for an alarm company or sprinkler company to make functional a newly installed alarm system if the owner, operator or lessee of the alarm system does not have a currently valid alarm

permit, unless there is a life-threatening situation making immediate operation of the alarm system necessary. In such case, the permit shall be obtained the next business day.

(6) It is a violation of this chapter for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system. If the fire or police department is notified to cancel the call within five (5) minutes of the original call, it will not be considered a false alarm, unless the responding White House unit arrives on the scene before the original call is canceled.

(7) Any noncompliance with the requirements of this chapter shall constitute a violation, and each incidence of noncompliance shall constitute a separate violation, punishable as provided in § 20-203.

(8) There shall be a fee of twelve dollars ($12.00) whenever a citation involving an alarm permit violation listed in section (2) of this section is dismissed by the city judge upon correction of the violation. The judge may waive this fee after determination of indecency. (as added by Ord. #98-15, July 1998, and renumbered by Ord. #99-06, April 1999, as replaced by Ord. #06-19, March 2006)

CHAPTER 3

PUBLIC RECORDS POLICY AND FEES

SECTION

20-301. Establishment of records management policy.
20-302. Fees.

20-301. Establishment of records management policy. The city shall adopt and maintain a records management policy by resolution. (as added by Ord. #13-10, Dec. 2013)

20-302. Fees. The city shall collect the same fees as are authorized in Tennessee Code Annotated, § 8-4-604 for copies of public records. (as added by Ord. #13-10, Dec. 2013)

ORDINANCE NO. 96-02

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF WHITE HOUSE TENNESSEE.

WHEREAS some of the ordinances of the City of White House are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of White House, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "White House Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF WHITE HOUSE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "White House Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed,

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars ($500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."[1]

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such

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[1]State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

A penalty of fifty dollars ($50.00) plus costs for each separate violation shall apply to all ordinances regulating moving traffic violations. (1979 Code, modified)

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, 2-15, 1996.

Passed 2nd reading, 3-21, 1996.

Mayor

Recorder