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
CITY OF WHITE HOUSE, TENNESSEE

MAYOR
Michael Arnold

VICE MAYOR
Farris Bibb, Jr.

ALDERMEN
John Corbitt
John W. Decker
Clif Hutson

CITY ADMINISTRATOR
Gerald Herman

RECORDER
Kerry Harville
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)
TITLE 1

GENERAL ADMINISTRATION

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

1Charter references
See the charter index, the charter itself and footnote references to the charter in the front of this code.
Municipal code references
Building, plumbing, electrical and gas inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
CHAPTER 1

BOARD OF MAYOR AND ALDERMEN

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.
1-108. Community meetings.

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)

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 of a portion of the city situated in Robertson County as reflected on the official 2000 census tract map.

Ward two (II) shall consist of a portion of the city situated in Sumner County as reflected on the official 2000 census tract map.

Ward three (III) shall consist of a portion of the city situated in Sumner County as reflected on the official 2000 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 2000 census tract map.

An official copy of the wards geographical area contained on the 2000 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)

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) Roll call by the recorder.
4) Adoption of agenda.
5) Approval of minutes of the previous meeting(s).
6) Welcome visitors.
7) Public hearings or delegations.
8) Communications from the mayor.
9) Acknowledge reports and/or appointments made by the mayor.
10) New business.
11) Adjournment. (1979 Code, § 1-104)

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. No person shall be employed by the city, as a department head, who is related as a member of the immediate family of any publicly elected official of the city government. (Immediate family includes spouse, children, parents, parents-in-law, brothers, sisters, brothers-in-law, and sisters-in-law). Any person employed by the city, whose immediate family is publicly elected as a governmental official of the city shall be immediately terminated from city employment. (1979 Code, § 1-107, as amended by Ord. #96-13, July 1996)

1-108. Community meetings. (1) The board of mayor and aldermen shall periodically by resolution establish a time for community meetings to hear from the public on their views of the government and its activities.

(2) The community meetings shall be properly advertised at least ten (10) days in advance and shall be held in the auditorium located in the city municipal building or other community venues deemed appropriate by the board of mayor and aldermen.

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

(4) Every citizen of the city shall be entitled to speak for (3) three minutes concerning any item in city government. Citizens making presentations or reports requiring more than three (3) minutes shall obtain approval in advance from the city administrator and in no event shall any speech, comments, or report be allowed to exceed seven (7) minutes unless the board votes to allow additional time. Citizens are not allowed to debate board members. While it is the intent of this section that every citizen be allowed and given the opportunity to speak on matters of concern to them, if they have questions about certain issues, they are to be put in written form and submitted to the mayor or such other person having charge of the public meeting.

(5) All public meetings shall be orderly and conducted with proper decorum. (as added by Ord. #03-04, April 2003)
CHAPTER 2

MAYOR¹

SECTION
1-201. Chief executive of city's affairs.
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)

¹Charter 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

RECORIDER

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)


1-303. **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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1Charter 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

COMMITTING MAGISTRATE

SECTION

1-401. Committing magistrate.
1-402. Duties.

1-401. Committing magistrate. There is hereby authorized the position of committing magistrate for the City of White House.

The mayor is hereby given the authority to appoint such person to serve as committing magistrate. The person appointed shall serve at the pleasure of the board of mayor and aldermen. Compensation shall be fixed in the annual operating budget, and shall be based on the number of defendants being considered for the issuance of warrants and summons. (1979 Code, §1-601, as amended by Ord. #98-31, Jan. 1999)

1-402. Duties. It shall be the duty of the committing magistrate to issue warrants for arrest of persons charged with violating state offenses and municipal ordinances. The committing magistrate may also issue summons to appear in city court to answer charges of violating state offenses and municipal ordinances. The committing magistrate, in all cases, shall enter a court date on all warrants and summons indicating when the defendant is to appear in city court to answer all charges.

In addition, the committing magistrate shall issue and accept appearance bonds as it applies to title 3, §3-401 of the White House Municipal Code.

Prior to assuming this office, an oath shall be administered as prescribed by law. (1979 Code, §1-602)
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. Election and term. 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.
1-609. 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)


1-703. **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

SECTION 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 elected 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)

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 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
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, future swimming pools 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 shall 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 tree snails. 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, except a future swimming pool.

(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) 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.

(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 and impounded by the city and Sumner County Humane Society.

(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 of tobacco products.** Smoking of any tobacco product within the confines of the Dewey Whitson Municipal Stadium 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.

(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, and Ord. #17-10, May 2017)

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
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) High school sports have first priority;
       (ii) Recreation youth programs have second priority;
       (iii) Recreation adults have third priority;
       (iv) 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.

   (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 cancel all outdoor practices and/or games when the heat index at the location of the activity is in excess of one hundred four degrees Fahrenheit (104°F)
(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)

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. 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 (4) of whom shall be residents of the city. Not more than five (5) of said members shall be of the same sex. 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, and Ord. #17-31, Dec. 2017)

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–exceptions and non-resident fee.**¹ The City of White House Library shall be free to habitants, city school teachers, city school students, city employees, and those that own a business in the city limits. The library board may recommend to the board of mayor and aldermen a non-resident fee. Upon approval, by ordinance, from the board of mayor and aldermen the librarian shall collect such fee. (as added by Ord. #15-25, Dec. 2015, and amended by Ord. #17-30, Nov. 2017)

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

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¹State law reference

Tennessee Code Annotated, §§ 10-3-107 and 10-3-108.
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.**

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overdue books, audios, music CDs, magazines, plush sets, puzzles, board games</td>
<td>$0.10 per day</td>
</tr>
<tr>
<td>Overdue DVDs and tech devices</td>
<td>$1.00 per day</td>
</tr>
<tr>
<td>Hot spots</td>
<td>$3.00 per day</td>
</tr>
<tr>
<td>Video games</td>
<td>$0.50 per day</td>
</tr>
<tr>
<td>Book drop charge for tech devices and bagged items</td>
<td>$1.00 per occurrence/per items</td>
</tr>
<tr>
<td>Computer print outs</td>
<td>$0.20 per page (black and white) $0.50 per page (color)</td>
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<tr>
<td>Faxes</td>
<td>$1.00 per page</td>
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<tr>
<td>Replacement card</td>
<td>$1.00 per card</td>
</tr>
<tr>
<td>Non-resident fee, adult (17 years of age and older), excluding those in § 2-208</td>
<td>$10.00 annually</td>
</tr>
<tr>
<td>Non-resident fee, child (16 years of age and under)</td>
<td>$5.00 annually</td>
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<tr>
<td>Lost item</td>
<td>Varies, based on cost of item</td>
</tr>
<tr>
<td>Damages</td>
<td>Varies, based on cost of repairs</td>
</tr>
</tbody>
</table>

(as added by Ord. #16-04, Feb. 2016, and amended by Ord. #17-02, March 2017, and Ord. #17-30, Nov. 2017)
CHAPTER 3

CEMETERY BOARD OF TRUSTEES

CHAPTER
2-301. Board established.
2-302. Membership.
2-303. Duty of board to invest all money received.
2-304. Investments to be made in accordance with city’s municipal code.
2-305. Money to be deposited with the city treasurer.
2-306. Schedule of fees; etc.
2-307. Misdemeanor; exceptions.
2-308. Violation.

2-301. Board established. There is hereby established a cemetery board of trustees, which board shall direct the management and control of the affairs of the Hillcrest Cemetery and shall enforce the rules and regulations provided for by this chapter and for the enforcement of this chapter. (as added by Ord. #02-08, April 2002)

2-302. Membership. The cemetery board of trustees shall be composed of five members, one shall be the city treasurer, the remaining board shall be appointed by the mayor and shall serve three (3) year terms. (as added by Ord. #02-08, April 2002)

2-303. Duty of board to invest all money received. It shall be the duty of the cemetery board of trustees to invest all sums of money received from the sale of lots and to take and hold any property, real or personal, bequeathed or given upon trust, and apply the income thereof for the improvement or embellishment of such cemetery, or the erection or preservation of any buildings or structures, fences or walks erected or to be erected upon the cemeteries of such city, or for the repair, preservation, erection or renewal of any tomb, monument, grave stone, fence railing or other erection at or around any cemetery lot or plat or for planting and cultivating trees, shrubs, flowers or plants in or around such lot or plat, or for improving or embellishing such cemetery in any other manner or form consistent with the design and purpose of such city or according to the terms of any grant devise or bequest. Responsibility for day to day management and operation of the cemetery shall be assigned to the city department considered most appropriate by the city administrator. (as added by Ord. #02-08, April 2002, and amended by Ord. #03-20, Nov. 2003)

1The original chapter 3 was deleted by Ord. #96-16, Sept. 1996.
2-304. **Investments to be made in accordance with city’s municipal code.** All investments of cemetery funds shall be made in accordance with the City of White House Municipal Code. (as added by Ord. #02-08, April 2002)

2-305. **Money to be deposited with the city treasurer.** All sums of money received or obtained in the manner herein provided shall be deposited with the city treasurer and shall be kept separate and apart in a fund known as the cemetery fund and shall be paid out in accordance with the city's approved purchasing policies and procedures. (as added by Ord. #02-08, April 2002, and amended by Ord. #15-17, Aug. 2015)

2-306. **Schedule of fees, etc.** (1) The city shall establish by resolution a schedule of fees for the sale of lots, for openings and closings, for the placement of cremains, for the setting of stones, and for any related activities or services.

(2) For each lot sale, fifty percent (50%) of the proceeds shall be deposited in the cemetery endowment fund.

(3) A cemetery lot must be paid for in full before interment. (as added by Ord. #02-08, April 2002, as amended by Ord. #07-13, May 2007)

2-307. **Misdemeanor; exceptions.** (1) Every person is guilty of a gross misdemeanor who unlawfully or without right willfully does any of the following:

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down or removes, any tomb, plot monument, memorial or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any enclosure for the protection of a cemetery or any property in a cemetery.

(b) Destroys, cuts, breaks, removes or injures any building, statuary, ornamentation, tree, shrub, flower or plant within the limits of a cemetery.

(c) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service or an interment.

(2) **Exceptions.** This provision above does not apply to the removal or unavoidable breakage or injury, of anything placed in or upon any portion of its cemetery by or with the consent of the cemetery authority which has become in a wrecked, unsightly or dilapidated condition. (as added by Ord. #02-08, April 2002)

2-308. **Violation.** Any person violating any of the provisions of this chapter or the rules and regulations thereof, where no penalty is provided, shall upon being convicted thereof, be fined in a sum not to exceed the sum of $100.00, together with costs of prosecution. (as added by Ord. #02-08, April 2002)
CHAPTER 4

[DELETED]

(as added by Ord. #08-09, June 2008, and deleted by Ord. #12-16, Oct. 2012)
CHAPTER 1

CITY JUDGE

SECTION

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,

1Charter 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 take office January 1 next following his or her election. The term of the current judge shall be extended from September 1, 2014 until January 1, 2015.

(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 August general election. At the next regular August 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, and Ord. #14-03, Feb. 2014)
SECTION

3-201. Municipal court established.
3-203. Disturbance of proceedings.
3-204. Drug control account.


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)

¹State law reference

SECTION 3-401. Schedule of fines and costs.

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

<table>
<thead>
<tr>
<th>Violation</th>
<th>Court Cost</th>
<th>Taxes</th>
<th>Fine</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speeding</td>
<td>$55.00</td>
<td>$27.50</td>
<td>$30.00</td>
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</tr>
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<td>1-15 miles over</td>
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<td>$55.00</td>
<td>$27.50</td>
<td>$40.00</td>
<td>$112.50</td>
</tr>
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<td>$27.50</td>
<td>$50.00</td>
<td>$132.50</td>
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<td>Open Container</td>
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<td>Careless Driving</td>
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<td>$27.50</td>
<td>$50.00</td>
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<tr>
<td>Child Restraint 0-4 Years Old</td>
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<td>$50.00</td>
<td>$132.50</td>
</tr>
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<td>Animal Control</td>
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<td>$105.00</td>
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<tr>
<td>Codes</td>
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<td>$50.00</td>
<td>$105.00</td>
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<tr>
<td>Fire Department Citations</td>
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</tr>
<tr>
<td>Red Light/Stop Sign</td>
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<td>$27.50</td>
<td>$35.00</td>
<td>$117.50</td>
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<td>Exercise Due Care</td>
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<td>$30.00</td>
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<tr>
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<td>$35.00</td>
<td>$117.50</td>
</tr>
<tr>
<td>Failure to Yield</td>
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<td>$27.50</td>
<td>$35.00</td>
<td>$117.50</td>
</tr>
<tr>
<td>Following Too Closely</td>
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<td>$35.00</td>
<td>$117.50</td>
</tr>
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<td>Failure to Use Signals</td>
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<td>No Driver's License on Person</td>
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### Violation

<table>
<thead>
<tr>
<th>Violation</th>
<th>Court Cost</th>
<th>Taxes</th>
<th>Fine</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>Failure to Change Address</td>
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<td>$20.00</td>
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<td>Improper Display of Tags</td>
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<td>$20.00</td>
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<td>Noise Ordinance (Vehicle)</td>
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</tr>
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<td>Handicap Parking</td>
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<td>Emergency Lane Parking</td>
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<td>No Parking Zone</td>
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<tr>
<td>Improper Equipment</td>
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<td>$10.00</td>
</tr>
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<td>$10.00</td>
<td>$10.00</td>
</tr>
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<td>$50.00</td>
<td>$50.00</td>
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</tbody>
</table>

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. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
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 hereinafore, 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. 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)

1See 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. Records and reports to be made. 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.
4-203. Administration.
4-204. Personnel rules and regulations.
4-205. Records.
4-206. Right to contract for special services.
4-207. Discrimination.
4-208. Amendments.

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 handicapping condition. (1979 Code, § 1-801)

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) Persons employed by the municipality for not more than three months during a fiscal year.
(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)
4-203. **Administration.** The personnel system shall be administered by the mayor, who shall have the following duties and responsibilities:

1. Exercise leadership in developing an effective personnel administration system subject to provision in this chapter, other ordinances, the city charter, and federal and state laws relating to personnel administration.
2. Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the municipality subject to those policies as set forth in this chapter, the city charter and the municipal code.
3. Fix and establish the number of employees in the various municipal government departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the city charter and code, and subject to the approval of board of mayor and aldermen and budget limitations.
4. Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employees' class, title, pay rates, and other relevant data.
5. Make periodic reports to the board of mayor and aldermen regarding the administration of the personnel system.
6. Recommend to the board of mayor and aldermen a position classification plan, and install and maintain such a plan upon approval by the board of mayor and aldermen.
7. Prepare and recommend to the aldermen a pay plan for all municipal government employees.
8. Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government.
10. Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the board of mayor and aldermen. (1979 Code, § 1-803)

4-204. **Personnel rules and regulations.** The mayor shall develop rules and regulations, in the form of an employee's handbook, necessary for the effective administration of the personnel system. The board of mayor and aldermen shall adopt the rules presented to them by the mayor, as a part of this chapter. Amendments to the rules and regulations shall be made in accordance with the procedure below. (1979 Code, § 1-804)

4-205. **Records.** The administrative assistant, assigned by the mayor shall maintain adequate records of the employment record of every employee as specified herein. (1979 Code, § 1-805, modified)

4-206. **Right to contract for special services.** The board of mayor and alderman may direct the mayor to contract with any competent agency for
the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (1979 Code, § 1-806)

4-207. Discrimination. No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (1979 Code, § 1-807)

4-208. Amendments. Amendments or revisions of these rules may be recommended for adoption by the mayor. Such amendments for revisions of these rules shall become effective after approval by the governing body. (1979 Code, § 1-808)
CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION
4-301. Title. This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of the City of White House. (1979 Code, § 1-1101, as replaced by Ord. #05-29, Oct. 2005)

4-302. Purpose. The board of mayor and aldermen, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

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

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

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

(4) Consult with the state commissioner of labor and workforce development with regard to the adequacy of the form and content of records.

(5) Consult with the state commissioner of labor and workforce development, as appropriate, regarding safety and health problems which are
4-303. **Coverage.** The provisions of the occupational safety and health program for the employees of the City of White House shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of White House whether part-time or full-time, seasonal or permanent. (1979 Code, § 1-1103, as replaced by Ord. #05-29, Oct. 2005)

4-304. **Standards authorized.** The occupational safety and health standards adopted by the City of White House are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972.¹ (1979 Code, § 1-1104, as replaced by Ord. #05-29, Oct. 2005)

4-305. **Variances from standards authorized.** The City of White House may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of White House shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city shall be deemed sufficient notice to employees. (1979 Code, § 1-1105, as replaced by Ord. #05-29, Oct. 2005)

4-306. **Administration.** For the purposes of this chapter, the fire chief is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer policies

¹State law reference

Tennessee Code Annotated, title 50, chapter 3,
of this chapter. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (1979 Code, § 1-1106, as replaced by Ord. #05-29, Oct. 2005)

**4-307. Funding the program.** Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of mayor and aldermen. (1979 Code, § 1-1107, as replaced by Ord. #05-29, Oct. 2005)

**4-308. [Deleted].** (1979 Code, § 1-1108, as deleted by Ord. #05-29, Oct. 2005)
**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 nonvoting 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.
4-610. Ethics complaints.
4-611. Violations.

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

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

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

Campaign finance-T.C.A. Title 2, Chapter 10.
Conflict of interests disclosure statements-T.C.A. § 8-50-501 and the following sections.
Consulting fee prohibition for elected municipal officials-T.C.A. §§ 2-10-122,124.
Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office)-T.C.A. § 39-16-101 and the following sections.
Crimes of official misconduct, official oppression, misuse of official information-T.C.A. § 39-16-401 and the following sections.
Ouster law-T.C.A. § 8-47-101 and the following sections.
(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 situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

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

4-603. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself or herself from voting on the measure. (as added by Ord. #06-34, Sept. 2006)

4-604. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #06-34, Sept. 2006)

4-605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

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1Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.
(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #06-34, Sept. 2006)

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)

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)

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)

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

4-610. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #06-34, Sept. 2006)

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)
MUNICIPAL FINANCE AND TAXATION

CHAPTER 1

MISCELLANEOUS

SECTION
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)

Charter references
For specific charter provisions on depositories of municipal funds, see Tennessee Code Annotated, § 6-4-402.
5-104. **Processing fee for credit and debit cards.** A processing fee of two and three quarter percent (2.75%) will 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)
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.

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

²Charter and state law 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.
(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 taxable 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

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)

1Municipal 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.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

1. Whenever 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.
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 twenty-one (21). (1979 Code, § 1-408, as amended by Ord. #10-13, Aug. 2010)

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

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)

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1Municipal code reference
Building, utility and housing codes: title 12.
SECTION
7-201. Fire code adopted.
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 2012 edition of the International Fire Code, 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, and Ord. #15-29, Dec. 2015)

   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. (1979 Code, § 7-202, as replaced by Ord. #10-07, May 2010)

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)

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

**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 2012 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 2012 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 2012 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)

**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 purposes 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\textsuperscript{1}

SECTION

7-301. Establishment, equipment, and membership.
7-302. Objectives.
7-303. Organization, rules, and regulations.
7-304. Records and reports.
7-305. Tenure and compensation of members.
7-306. Fire chief responsible for training.
7-307. Fire chief to be assistant to state officer.
7-308. Firemen - 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 appointed by the governing body and such number of physically-fit subordinate officers and firemen as the fire chief shall appoint. (1979 Code, § 7-301, as amended by Ord. #02-19, July 2002)

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.

\textsuperscript{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. Tenure and compensation of members. The fire chief shall hold office so long as his conduct and efficiency are satisfactory to the governing body. However, so that adequate discipline may be maintained, the fire chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The fire chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the governing body.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe.

All full-time personnel employed on a 24 hour shift shall be compensated on the basis of a 212 hour, 28 day work cycle at the regular established rate of pay. All full-time personnel working in excess of a regular shift shall be compensated at time and one-half. (1979 Code, § 7-305, as amended by Ord. 99-25, Nov. 1999, and Ord. #02-19, July 2002)

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

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. **Firemen - age requirements.** No person shall be employed in the fire department as a full-time uniformed fireman until such individual attains the age of twenty-one (21). (1979 Code, § 7-309)

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, its 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. Police powers at fires. 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 or inspector, 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)
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) Commercial disposal of "wood waste." Priming materials used to facilitate burning such as "wood waste" and vegetation are limited to #1 or #2 grade fuel oil. Burning of wood waste may require an "open pit of efficient size to contain the wood waste," or other fire department approved method if deemed necessary by the fire chief.

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

(14) Exceptions (5) to (11) shall require a permit issued by the fire department at no cost.

(15) Exception (12) requires a permit with a fee of $50.00. (as added by Ord. #02-20, Aug. 2002, and replaced by Ord. #02-40, Dec. 2002, and amended by Ord. #06-24, June 2006)

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

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

CHAPTER 1

INTOXICATING LIQUORS-ON PREMISES 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.
8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, 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. (as added by Ord. #08-28, Jan. 2009, and amended by Ord. #14-04, March 2014)

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

BEER¹

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

¹State 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). Said fee shall be in the form of a cashier's check payable to the City of White House. Each applicant must be a person of good moral
8-208. **Classes of permits.** Four (4) classes of 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" 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. A restaurant is defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than forty percent (40%) of its income is from the sale of beer. For the purposes of this chapter, the term "on-premises consumption" shall mean consumption within the building or on any decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building for which the license is issued, except if this license is held by the proprietor of a golf course. For proprietors of golf courses, on-premises shall mean within the building or on any decks, patios and other outdoor serving areas that are contiguous to the exterior of the building and/or the course. However, no consumption shall be permitted on any parking lot. Where on-premises consumption is permitted on a golf course, beer may be purchased either at the restaurant or from a beverage cart. Any "on-premises" permit holder shall follow the hours of sale for intoxicating liquors. 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 twelve o'clock noon (12:00 P.M.) on Sundays.

4. A special event permit may be issued by the beer board on a case by case basis to bona fide charitable nonprofit or political organizations for a specific date and time. No more than two (2) special events permits will be granted during a calendar year.

It is unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It is likewise unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1979 Code, § 2-207, as replaced by Ord. #06-40, Nov. 2006)
§ 2-208, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #08-29, Jan. 2009, and Ord. #17-09, May 2017

**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. (1979 Code, § 2-209, as deleted by Ord. #05-41, Jan. 2006, as replaced by Ord. #06-40, Nov. 2006)

**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 between January 1st and February 1st of each year to the City of White House, Tennessee. Failure to pay the tax on or 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)

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. Termination of business, or change in ownership, relocation of business or change in business name. 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. Special event permits.
8-319. Violation and penalty.

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 has 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; 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)

8-305. Limitations on number of licenses. No more than two (2) 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)

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 does 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. Display of license. 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. Pursuant to the authority contained in the *Tennessee Code Annotated*, § 57-3-406, no retailer shall sell or give away any alcoholic beverage between eleven o'clock P.M. (11:00 P.M.) on Saturday and eight o'clock A.M. (8:00 A.M.) on Monday of each week. No retail store shall sell, give away or otherwise dispense alcoholic beverages except between the hours of eight o'clock A.M. (8:00 A.M.) and eleven o'clock P.M. (11:00 P.M.) on Monday through Saturday. The store may not be open to the general public except during regular business hours. Likewise, all retail liquor stores shall be closed for business on Thanksgiving Day and Christmas Day.

5. Pursuant to the authority contained in the *Tennessee Code Annotated*, § 57-3-406, no retailer shall sell or give away any alcoholic beverages on the following holidays: Christmas, Thanksgiving, Labor Day, New Year's Day and the Fourth of July.

6. 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.

7. 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)
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. **Special event permits.** (1) The beer board is authorized to issue special event permits to bona fide charitable, nonprofit or political organizations for special events, as defined in Tennessee Code Annotated, § 57-4-102, subject to the approval of the appropriate governmental authority charged with the management of such publicly owned property.

   (2) The special event permit shall not be issued for longer than one (1) forty-eight (48) hour period unless otherwise specified, subject to the limitations on the hours of sale imposed by law. The application for the special event permit shall state whether the applicant is a charitable, nonprofit or political organization, include documents showing evidence of the type of organization, and state the location of the premises upon which alcoholic beverages shall be served and the purpose for the request of the license.

   (3) No charitable, nonprofit or political organization possessing a special event permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.

   (4) The caterer shall furnish to the city administration office a copy of their valid catering license issued by the Tennessee Alcoholic Beverage Commission, no later than five (5) days prior to the event.

   (5) All special event permittees shall construct a temporary fence enclosing the area that beer shall be stored, sold, and/or consumed.

   (6) Failure of the special event permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the City of White House will result in a denial of a special event beer permit for the sale of beer for a period of one (1) year. (as added by Ord. #17-09, May 2017)

8-319. **Violation and penalty.** 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. #14-27, Dec. 2014, and renumbered by Ord. #17-09, May 2017)
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER
1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. CABLE TELEVISION.

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)

¹Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
CHAPTER 2

PEDDLERS, ETC.¹

SECTION
9-201. Permit required.
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.

¹Municipal code reference
Privilege taxes: title 5.
(4) If employed, the name and address of the employer, together with credentials thereof 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)

¹Municipal 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

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)

1Municipal code reference
Roadblocks by solicitor's, peddlers, etc.: § 16-113.
9-304. **Exhibition of permit.** Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1979 Code, § 5-304)
CHAPTER 4

TAXICABS

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.
9-407. 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.
9-416. 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

1Municipal 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 health, 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 not 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. **Transfer of franchise.** 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.  

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¹For 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.
TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION
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.

10-101. 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.
10-203. Running at large prohibited.
10-204. Vicious dogs.
10-205. Noisy dogs prohibited.
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

¹State law reference
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.
10-6

(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)

¹State 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

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

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

2Municipal code reference
   Sale of alcoholic beverages, including beer: title 8.

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

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 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(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, and Ord. #18-03, Feb. 2018)
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. HOUSING CODE.
6. INTERNATIONAL ENERGY CODE.
7. PROPERTY MAINTENANCE CODE.
8. [DELETED.]
9. MECHANICAL CODE.
10. HANDICAPPED CODE.

CHAPTER 1

BUILDING CODE

SECTION
12-102. Modifications.
12-103. Available in recorder's office.
12-104. Violations.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code\(^2\), 2012 edition, including Appendixes B, C, E, F, and

\(^1\)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.

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) 2012 International Building Code, Chapter 27, Section 2701 General, Item 2701.1 Scope shall be amended:

2701.1 Scope. This chapter governs the electrical components, equipment, and 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, and Ord. #15-28, Dec. 2015)

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

SECTION
12-201. Plumbing code adopted.
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, 2012 edition, including Appendixes B-F 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, and Ord. #15-28, Dec. 2015)

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 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)

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.
12-204. **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

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, 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

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1Municipal code references
Fire protection, fireworks and explosives: title 7.

2Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.
such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1979 Code, § 4-304)

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

SECTION
12-401. Gas code adopted.
12-402. Modifications.
12-403. Available in the city recorder's office.
12-404. Violations.


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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1Municipal code reference
Gas system administration: title 19, chapter 1.

2Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama, 35213.
CHAPTER 5

HOUSING CODE

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


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

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

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
(3) 2009 International Residential Code Part IV Energy Conservation, Chapter 11 Energy Efficiency, Section N1102.2.9 Crawl Space walls shall be amended as follows:

N1102.2.9 Crawl Space walls. As an alternative to insulating floors over crawl space, insulation of crawl space walls when the crawl space is vented or not vented to the outside are permitted alternatives. (1979 Code, § 4-402, as amended by Ord. #08-19, Sept. 2008, and Ord. #15-28, Dec. 2015)

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


12-602. 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 CODE¹

SECTION
12-701. Property maintenance code adopted.
12-702. Modifications.
12-703. Deleted.
12-704. Appeals.


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)

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

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 8

[DELETED]

(as deleted by Ord. #08-19, Sept. 2008)
CHAPTER 9

MECHANICAL CODE

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 2012 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, and Ord. #15-28, Dec. 2015)

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)

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

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

TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER
1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED AND DISCARDED VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION
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)

13-104. Overgrown and dirty lots.
13-105. Dead animals.
13-106. Health and sanitation nuisances.

Municipal code references
Littering streets, etc.:  § 16-107.
13-104. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the 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) Designation of public officer or department. The mayor or administrator shall designate an appropriate department or person to enforce the provisions of this section.

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

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

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

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

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

(4) Clean-up property owner’s expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids,
steam, sewage, or other materials), the department or person designated by the
city administrator to enforce the provisions of this section shall immediately
cause the condition to be remedied or removed at a cost in conformity with
reasonable standards, and the cost thereof shall be assessed against the owner
of the property. Upon the filing of the notice with the office of the register of
deeds in Sumner or Robertson County, the costs shall be a lien on the property
in favor of the municipality, second only to liens of the state, county, and
municipality for taxes, any lien of the municipality for special assessments, and
any valid lien, right, or interest in such property duly recorded or duly perfected
by filing, prior to the filing of such notice. These cost 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.

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

(5) Appeal. The owner of record who is aggrieved by the determination
and order of the public officer may appeal the determination and order to the
city administrator. The appeal shall be filed with the city recorder within ten
(10) days following the receipt of the notice issued pursuant to subsection (3)
above. The failure to appeal within the time shall, without exception, constitute
a waiver of the right to a hearing.

(6) Judicial review. Any person aggrieved by an order or act of the city
administrator under subsection (4) above may seek judicial review of the order
or act. The time period established in subsection (3) above shall be stayed
during the pendency of judicial review.

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

(8) General requirements. Weeds and other similar regulated vegetation which has attained the height of twelve (12) inches 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 (25) feet on any building on any lot, parcel, or tract containing more than two (2) acres.

(d) Within twenty-five (25) feet 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 (12) inches. 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.

(iii) All enforcement actions with respect to § 13-104 shall commence upon receipt of a written signed complaint. All complaints should be appropriately documented, including photographic evidence of violation, and reflect the specific nature and location of the complaint.


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. 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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1State law reference
The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).
CHAPTER 3
ABANDONED AND DISCARDED VEHICLES

SECTION
13-301. Definitions.
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. Notice to property owner.

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, motor vehicles, 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. **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 § 13-303, a notice in plain language to remedy the condition within thirty (30) days excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. (as added by Ord. #02-25, Oct. 2002)
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

14-102. 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. **Additional powers.** Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1979 Code, § 11-103)
CHAPTER 2

ZONING ORDINANCE

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

14-201. **Land use to be governed by zoning ordinance.** Land use within the City of White House shall be governed by Ordinance Number 95-10, titled "Zoning Ordinance, White House, Tennessee," and any amendments thereto.¹

¹Ordinance #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.
14-308. 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.
"Person" means any individual, firm, trust, partnership, public or private association or corporation.

"Service building" means a structure housing a toilet, lavatory, and such other facilities as may be required by this chapter.

"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.

"Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

"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.

"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:

<table>
<thead>
<tr>
<th>Pavement Width</th>
<th>Right-of-way Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>18 feet</td>
<td>40 feet</td>
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<tr>
<td>24 feet</td>
<td>50 feet</td>
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<tr>
<td>27 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>30 feet</td>
<td>55 feet</td>
</tr>
</tbody>
</table>
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 liquefied 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

CHAPTER 1

MISCELLANEOUS

SECTION

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.
15-113. Fleeing or attempting to elude a police officer.

1Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

2State law references
Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.
15-114. Driving through funerals or other processions.
15-118. Projections from the rear of vehicles.
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

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. 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)

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

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1Municipal code references

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

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

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¹This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
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.
15-203. 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) 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)

1Municipal code reference
Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.
15-203. **Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park 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.
15-304. 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
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.
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)


¹State 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
15-502. 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.† 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

†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)

¹State law reference
Tennessee Code Annotated, § 55-8-143.
CHAPTER 6

PARKING

SECTION

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.
15-707. 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

¹State law reference
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)


15-707. 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)

TITLE 16

STREETS AND SIDEWALKS, ETC

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION
16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-107. Littering streets, alleys, or sidewalks prohibited.
16-108. Obstruction of drainage ditches.
16-109. Abutting occupants to keep sidewalks clean, etc.
16-110. Parades, etc., regulated.
16-111. Animals and vehicles on sidewalks.
16-112. Fires in streets, etc.
16-113. Roadblocks for solicitations.
16-114. Uniform system for numbering properties and principal buildings.

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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1Municipal 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 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

\(^1\)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. **Uniform system for numbering properties and principal buildings.** (1) Uniform numbering system. A uniform system of numbering properties and principal buildings as shown on the maps identified by the title
WHITE HOUSE STREET NUMBERING SYSTEM which is filed in the office of the city recorder, is hereby adopted for use in the City of White House, Tennessee. This map and all explanatory matter thereon, is hereby adopted and made a part of this section.

(2) Assignment of numbers. (a) All properties or parcels of land within the corporate limits of White House, Tennessee shall hereafter be identified by reference to the uniform numbering system adopted herein. Provided, all existing numbers of property and buildings not now in conformity with provisions of this section shall be changed to conform to the system herein adopted within six months from the date of passage of this ordinance.1

(b) A separate number shall be assigned for approximately each 30 feet of frontage in business areas and each 50 feet in residential areas except where lots are part of recorded plats and such lots may not be reduced in size. In these cases each platted lot shall be assigned a separate number.

(c) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(d) Numerals indicating the official number for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. Such numerals may be obtained from the city recorder, as provided in subsection (3).

In order for numerals to be seen plainly, they should be posted on both sides of a mailbox or on a yard plaque inserted in the ground in close proximity to the road right-of-way.

(3) Administration. (a) The building inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility the building inspector shall be guided by the provisions of subsection (2) of this section.

(b) The city recorder shall keep a record of all numbers assigned under this section.

(c) The city recorder shall issue to any property owner in White House upon request a set of numerals for each principal building or separate front entrance to such building. In doing so, he shall issue only numerals for the number assigned to each building under the provisions of this section. Provided, however, that the recorder may issue additional numerals in accord with the official numbering system whenever a

1This ordinance (#80-3) was adopted on March 20, 1980.
property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner.

(4) Penalties. Violation of this section shall be a misdemeanor and may be punished by a fine of $1.00 to $5.00. Each separate day such violation is continued shall constitute a separate offence. (1979 Code, § 12-114)
CHAPTER 2

EXCAVATIONS AND CUTS

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

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the public works office is open for business, and said permit shall be retroactive to the date when the work was begun. (1979 Code, § 12-201, as amended by Ord. #07-01, Feb. 2007)

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

1State law reference
This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).
laws relating to the work to be done. Such application shall be rejected or approved by the public works office within twenty-four (24) hours of its filing. (1979 Code, § 12-202, as amended by Ord. #07-01, Feb. 2007)

16-203. Fee. The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars ($100.00) for any permit. (1979 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the public works office a cash deposit. The deposit or bond shall be in the sum of twenty-five dollars ($25.00) if no hard surface (i.e. pavement, curbs, sidewalks) are involved. If the excavation is under a hard surface, a five hundred dollar ($500.00) minimum deposit, plus as additional five dollars ($500.00) for every ten (10) feet of length over the first ten (10) feet, shall be required. The balance shall be returned to the applicant without interest ninety (90) days after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the public works office a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1979 Code, § 12-204, as amended by Ord. #07-01, Feb. 2007)

16-205. Manner of excavating—barricades and lights—temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1979 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition. In case of unreasonable delay in restoring the street, alley, or public place, the public works office shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an
accurate account of the expense involved shall be kept and the total plus twenty percent (20%) cost shall be deducted from the deposit or bond amount submitted by the entity that was granted the permit. (1979 Code, § 12-206, as amended by Ord. #07-01, Feb. 2007)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insulated against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the public works office in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $100,000 for each person and $300,000 for each accident, and for property damages not less than $25,000 for any one (1) accident, and a $75,000 aggregate. (1979 Code, § 12-207, as amended by Ord. #07-01, Feb. 2007)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the public works office. (1979 Code, § 12-208, as amended by Ord. #07-01, Feb. 2007)

16-209. Supervision. The public works office shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1979 Code, § 12-209, as amended by Ord. #07-01, Feb. 2007)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the public works office. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons
shall not extend out into the street. (1979 Code, § 12-210, as amended by Ord. #07-01, Feb. 2007)
TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER
1. REFUSE.

CHAPTER 1

REFUSE

SECTION
17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. All disposal of refuse shall be by methods approved by the City of White House and the Tennessee Department of Health. (1979 Code, § 8-201, as replaced by Ord. #05-35, Nov. 2005)

17-102. Premises to be kept clean. All persons within the municipality are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1979 Code, § 8-202, as replaced by Ord. #05-35, Nov. 2005)

17-103. Residential and small commercial refuse collection. (1) Residential solid waste. The term "residential solid waste" shall mean solid waste resulting from the maintenance and operation of dwelling
 Change 17, February 15, 2018

units, excluding multiple housing facilities. The City of White House shall be the sole provider of residential solid waste collection in the city limits.

(2) Small commercial waste. The term "small commercial" shall be defined as an entity that produces no more refuse than would fill two (2) containers per week. 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 with the city.

(3) Commercial solid waste. The term "commercial solid waste" shall mean 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) containers 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 with the city. (1979 Code, § 8-203, as replaced by Ord. #05-35, Nov. 2005, as amended by Ord. #07-18, June 2007, and Ord. #16-23, Jan. 2017)

17-104. Sanitation procedures. (1) The public services director, or his/her authorized representative, shall have the authority to make and modify regulations as necessary concerning the days of collection, transporting and disposal of solid waste refuse; provided that such regulations are not in violation of the provisions of this chapter.

(2) The public services director, or his/her authorized representative, shall be responsible for the enforcement of this chapter.

(3) All employees operating vehicles or collecting refuse and garbage shall at all times be courteous and shall not use profane language, nor be loud or boisterous.

(4) The city will provide and service one residential and small commercial refuse container once a week per separate street address. The container must be placed no further than three (3) feet from the curbside and in an area that is free from obstruction from trees, shrubs, mailboxes, vehicles, etc., or in an alternate location approved by the public services director. Only refuse in the container will be collected. If additional refuse is left on or around the container the city will not pick it up. Extra household refuse will be picked up by appointment only and a fee will be charged. (See § 17-113)

(5) Commercial establishments shall be responsible for removal of their solid waste.

(6) Employees collecting refuse will be required to follow the regular walk for pedestrians as nearly as practicable while on private property. No unnecessary trespassing by employees will be permitted, and due care shall be exercised to prevent damage to private property, including flowers, shrubs, and other plantings. After dumping containers, employees shall return them to the same location from which they were taken, and shall replace the covers. Space about the containers shall be left free from any refuse spilled during the
collection. This section shall not be interpreted to mean that the collector of refuse is responsible for cleaning up unsanitary conditions about the refuse containers caused by the carelessness of the tenant. Care shall be taken by the employees to prevent damage to containers by rough treatment.

(7) Employees shall not be required to expose themselves to the danger of vicious animals in order to accomplish refuse collection in any case where the owner or tenant has such an animal at large. Customers must restrain animals beyond the reach of the refuse containers and prevent any interference with pickup men on this account.

(8) After loading trucks, refuse handlers shall leave all alleys and streets in a clean and sanitary condition. No refuse shall be permitted to drop from any collection vehicle in or on any of the public ways of the city. Collection vehicles must not at any time be driven over our streets or highways in an overloaded or crowded condition. Collections must be made as quietly as possible, especially in the early morning hours.

(9) All junk or salvage of any kind or nature encountered in the refuse being collected shall become the property of the collector.

(10) Housing areas and military establishments which are operated within the city limits under the jurisdiction of the Federal Housing Authority shall be considered as being outside the city limits and will not be affected by these rules and regulations until government ownership is relinquished in favor of private enterprise at which time the areas will assume a normal position in the domestic refuse collection system. Areas added to the city by extension of the city limits shall be included in the refuse collection system.

(11) Every commercial establishment shall place all refuse in a city approved container, and shall maintain the container and the surrounding area in a clean, neat and sanitary condition.

Nothing in this section shall prohibit commercial establishments from removing their own solid waste or from contracting with a private collector for such removal; provided said private collector shall have a valid permit or license to do business with the city. (1979 Code, § 8-204, as replaced by Ord. #05-35, Nov. 2005, and amended by Ord. #16-23, Jan. 2017)

17-105. Location of containers. All residents, except those approved for special assistance due to age, handicap or illness (See § 17-105(4)) shall place their wheeled container at curbside or street-side no later than 6:30 A.M. on the date of anticipated collection. As soon as practicable after such containers have been emptied they shall be removed by the owner or occupant to within, or to the rear of their premises and away from the street line until the next scheduled time for collection.

(1) Each owner, occupant, or other responsible person, as foresaid, shall be responsible for keeping the refuse container clean and sanitary in compliance with health and sanitation requirements and shall keep container
lids closed at all times. No refuse shall be placed in container until such refuse has been drained free of all liquids and securely placed in plastic bags.

(2) The container must not be painted, abused, mutilated, altered or modified in any manner. Each owner, occupant, or other responsible person shall be responsible for replacing the refuse container if it is damaged or destroyed by the resident or as a result of his negligence, by the payment of the purchase price expended by the city for the purchase of said unit.

(3) The city shall replace any and all wheeled refuse containers that are worn out by normal wear and tear or if they are stolen or damaged by persons other than the residents to whom they are assigned. If container is stolen, resident must notify the police department and the public works department.

(4) Application for back door service may be made by any resident who qualifies for one (1) of the following:

(a) Resident(s) is/are unable to place the container at the curb due to age, infirmity, illness or handicap. A doctor's statement shall be required by the public services department.

(b) A residence that is located three hundred feet (300') or more from the street. (1979 Code, § 8-205, as replaced by Ord. #05-35, Nov. 2005, and amended by Ord. #16-23, Jan. 2017)

17-106. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets. Furthermore, all refuse collection vehicles shall utilize closed beds or such covering as will effectively prevent the scattering of refuse over the streets. (1979 Code, § 8-206, as replaced by Ord. #05-35, Nov. 2005)

17-107. Leaf and limb removal service. It shall not be the responsibility of the refuse collecting agency of the city to shovel or pick up leaves or lawn clippings, unless the same shall be bagged and piled at curbside for the collection truck. 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 city hall (105 College Street) and at the public services facility (427 Industrial Drive). Additional distribution locations may become available after program initiation. 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 (6) feet. The trunks or limbs of trees measuring six (6) inches or more in diameter shall be cut into lengths of no more than two (2) feet and of a weight
of no more than fifty (50) pounds, and all of said material shall be piled at curbside. The city will be responsible for limb and leaf collection at a minimum of once per month. (1979 Code, § 8-207, as replaced by Ord. #05-35, Nov. 2005, and amended by Ord. #16-23, Jan. 2017)

17-108. **Nurserymen; duty to remove trash.** Every nurseryman 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. (1979 Code, § 8-208, as replaced by Ord. #05-35, Nov. 2005)

17-109. **Prohibited substances and practices.** (1) The following substances are hereby prohibited and shall not be deposited in garbage containers:

   (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 city employees or which could cause damage to city 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) No televisions, computer parts or components will be accepted.

   (i) No carpet, padding or associated materials shall be accepted.

   (j) No household hazardous waste shall be accepted.

   (k) No appliance or machinery containing any gaseous substances will be taken.

(2) 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 container.

(3) It shall also be unlawful for any person to dump waste or grass upon any street, alley, or public place or public way.

(4) 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

17-110. **Dumping in streams, sewers, and drains prohibited.** It shall be unlawful for any person, firm or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the City of White House.  (1979 Code, § 8-210, as replaced by Ord. #05-35, Nov. 2005)

17-111. **Burning without a permit.** It shall be unlawful for any person, firm or corporation to burn or attempt to burn refuse on private or public property within the corporate limits of the City of White House without first securing the approval of the appropriate city departments having jurisdiction.  (1979 Code, § 8-211, as replaced by Ord. #05-35, Nov. 2005)

17-112. **Failure to comply.**  (1) Any person violating any of the provisions of this chapter shall be served by the city with written notice stating the nature of the violation and providing up to but not limited to ten (10) days time limit for the satisfactory correction thereof.  The offender shall, within the period of time stated in such notice, permanently cease all violations.  Service will be discontinued until such time as the violation is corrected.

(2) Any person who shall continue any violation beyond the time provided for in § 17-111(a) shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by city personnel or equipment by reason of such violation.  (1979 Code, § 8-212; as replaced by Ord. #05-35, Nov. 2005)

17-113. **Fee schedule.**  (1) **Refuse collection fee.** Each customer who owns or rents property within the corporate limits shall pay a refuse collection fee of seventeen dollars ($17.00) per month per container for curbside pickup.  Any commercial business with more than two (2) containers must contract refuse pickup with a private hauler.

(2) **Special events service:**

$5 per container with a $100 minimum (this will include delivery, pickup and disposal of refuse)  Prior approval by public works director is required.

(3) **Fee schedule for disposal at public works facility:**

- Single item: $15
- Pick-up truck load: $50
- Tires (on or off rim): $10

Any load containing tires or an item that would fit in the single item category will be charged $50 plus the cost of additional item(s).
Customer requested pickup will be double the above amounts.

(4) Brush and limbs will be accepted at the public works facility free of charge.

(5) Residents and commercial accounts that have city provided solid waste disposal service shall be allowed two (2) free disposal drop-offs per calendar year at the public services trash transfer station. 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'). (as added by Ord. #05-35, Nov. 2005, and amended by Ord. #07-18, June 2007, Ord. #14-12, June 2014, and Ord. #16-23, Jan. 2017)

17-114. **City empowered to collect refuse.** 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. #05-35, Nov. 2005)
TITLE 18

WATER AND SEWERS

CHAPTER
1. WATER.
2. SEWER USE ORDINANCE.
3. SEWER RATES, FEES AND CHARGES.
4. STORMWATER MANAGEMENT.
5. STORMWATER UTILITY ORDINANCE.
6. 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. 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.
18-211. Inspections, monitoring, reporting, and records.
18-212. Authority for inspection.
18-213. Confidential information.
18-214. Protection of equipment.
18-216. Extension of sewer service.
18-217. Severability.
18-218. Conflict.

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 waterborne 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,
hotels, 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.


(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 R&DRA 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 party 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.


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 material, 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.

<table>
<thead>
<tr>
<th>Protection Criteria</th>
<th>Monthly Average</th>
<th>Daily Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parameter</td>
<td>mg/L*</td>
<td>mg/L*</td>
</tr>
<tr>
<td>Chromium, hexavalent</td>
<td>1.0</td>
<td>70</td>
</tr>
<tr>
<td>Chromium, trivalent</td>
<td>N/A</td>
<td>2200</td>
</tr>
<tr>
<td>Nickel</td>
<td>56</td>
<td>1100</td>
</tr>
<tr>
<td>Cyanide</td>
<td>3.5</td>
<td>52</td>
</tr>
<tr>
<td>Zinc</td>
<td>47</td>
<td>180</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.012</td>
<td>1.5</td>
</tr>
<tr>
<td>Copper</td>
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<td>30</td>
</tr>
<tr>
<td>Iron</td>
<td>1500</td>
<td>3000</td>
</tr>
<tr>
<td>Antimony</td>
<td>1600</td>
<td>9000</td>
</tr>
<tr>
<td>Arsenic</td>
<td>40</td>
<td>440</td>
</tr>
<tr>
<td>Lead</td>
<td>0.75</td>
<td>74</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.02</td>
<td>4.1</td>
</tr>
<tr>
<td>Selenium</td>
<td>35</td>
<td>260</td>
</tr>
<tr>
<td>Silver</td>
<td>0.6</td>
<td>1.2</td>
</tr>
<tr>
<td>Phenols</td>
<td>N/A</td>
<td>300</td>
</tr>
</tbody>
</table>

*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 grease-handling 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 wastewater streams from industrial/commercial wastewater streams, 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 18-210(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.
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 wastewater 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

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Non-residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Rate</td>
<td>$17.96</td>
<td>$39.30</td>
</tr>
<tr>
<td>Consumption</td>
<td>$7.75 per 1,000 gallons</td>
<td>$7.75 per 1,000 gallons</td>
</tr>
</tbody>
</table>

City of White House
Wastewater Rate Schedule
Single Meter With Multiple Units
Exhibit B

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Non-residential</th>
</tr>
</thead>
<tbody>
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<td>$7.75 per 1,000 gallons</td>
<td>$7.75 per 1,000 gallons</td>
</tr>
</tbody>
</table>

(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. Users wishing to have their wastewater consumption charges adjusted must fill out a wastewater
adjustment request form and submit it to the City of White House Finance Department. Each adjustment will be reviewed on a case-by-case basis by the finance director, 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:

<table>
<thead>
<tr>
<th>Time frame</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Once per calendar year</td>
<td>Filling of swimming pool.</td>
</tr>
<tr>
<td>Anytime</td>
<td>Water leak that does not enter the municipal sewer system in the sole judgment of the city</td>
</tr>
</tbody>
</table>

(4) Delinquent payments. Wastewater usage charges shall be paid by the due date. The city may discontinue utility service to any wastewater user who fails or refuses to pay the wastewater charges. The city may discontinue utility services for (i) wastewater user accounts with no payment activity for ninety (90) days or (ii) wastewater user accounts with total combined utility charges (wastewater, stormwater, sanitation) in excess of five hundred dollars ($500.00) if such combined utility charges are thirty (30) days past due. The City of White House shall be entitled to recover costs incurred in collecting delinquent wastewater usage charges. Utility service can only be re-established on closed accounts through the application process for such utility service. (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, and Ord. #17-04, March 2017)

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) if all current charges are paid in full.

(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>
<thead>
<tr>
<th>Description of service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Single family residence (base fee)</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>(b) Multi-family residence/mobile home parks</td>
<td>$2,500.00 per unit</td>
</tr>
<tr>
<td>(c) Motels, hotels and similar type units</td>
<td>Base fee + $115.00 per unit</td>
</tr>
<tr>
<td>(d)</td>
<td>Restaurants</td>
</tr>
<tr>
<td>-----</td>
<td>-------------</td>
</tr>
<tr>
<td>(e)</td>
<td>Day care, child care centers, and schools</td>
</tr>
<tr>
<td>(f)</td>
<td>Car wash/truck wash</td>
</tr>
<tr>
<td>(g)</td>
<td>Self-service laundries</td>
</tr>
<tr>
<td>(h)</td>
<td>Retail commercial stores</td>
</tr>
<tr>
<td>(i)</td>
<td>Multiple-unit shopping centers</td>
</tr>
<tr>
<td>(j)</td>
<td>Assisted care/nursing homes</td>
</tr>
<tr>
<td>(k)</td>
<td>Hospitals</td>
</tr>
<tr>
<td>(l)</td>
<td>Service stations</td>
</tr>
<tr>
<td>(m)</td>
<td>Movie theaters</td>
</tr>
<tr>
<td>(n)</td>
<td>Other facilities</td>
</tr>
</tbody>
</table>

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 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.

(9) Returned payment charge. A charge of twenty dollars ($20.00) or the amount of the payment, whichever is lesser will be applied to any user or potential user whose payment of any rates, fees, or charges related to wastewater service is returned to the city due to insufficient funds. If a payment is returned for any other reason, charging of this fee will be determined by the city's finance director on a case by case basis.

(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, and Ord. #17-04, March 2017)

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.
18-407. Existing locations and ongoing developments.
18-408. Illicit discharges.
18-409. Enforcement.
18-410. Penalties.
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. 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)

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 permit.

(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
(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 in the 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" 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)
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.

(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:


(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.

(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 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.

(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 and connecting culverts to convey the ten (10) year design storm runoff.
   (ii) Designing bridges, culverts, channels and cross-drains to pass at a minimum the twenty-five (25) year design storm runoff.
   (iii) Designing bridges, culverts, channels and cross-drains to pass the fifty (50) year design storm runoff for flows greater than or equal to five thousand (5,000) cfs.

(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 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 upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(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). (as added by Ord. #14-28, Dec. 2014)

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. (as added by Ord. #14-28, Dec. 2014)

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) Groundwater infiltration to storm drains;
   (vi) Pumped groundwater;
   (vii) Foundation or footing drains;
   (viii) Crawl space pumps;
   (ix) Air conditioning condensation;
   (x) Springs;
   (xi) Non-commercial washing of vehicles;
   (xii) Natural riparian habitat or wetland flows;
   (xiii) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine);
   (xiv) Firefighting activities;
(xv) Any other uncontaminated water source.
(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 section 3.5.9 of the same:
   (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 CGP section 3.5.5;
   (iv) Potable water sources including waterline flushings 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. 

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 approved by the board of mayor and aldermen. Measures authorized include:

(a) Verbal warnings. At minimum, verbal warnings must specify the nature of the violation and required corrective action.

(b) Written notices. Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.

(c) Citations with administrative penalties. The MS4 has the authority to assess monetary penalties, which may include civil and administrative penalties.

(d) Stop work orders. Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.

(e) Withholding of plan approvals or other authorizations. Where a facility is in noncompliance, the MS4’s own approval process affecting the facility’s ability to discharge to the MS4 can be used to abate the violation.
(f) Additional measures. The MS4 may also use other escalated measures provided under local legal authorities. The MS4 may perform work necessary to improve erosion control measures or eliminate illicit discharges and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

(2) Notification of violation. (a) Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.

(b) Written notice. Whenever the stormwater coordinator finds that any permittee or any other person discharging stormwater has violated or is violating this chapter or a permit or order issued hereunder, the stormwater coordinator may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the stormwater coordinator. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The stormwater coordinator is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(d) Show cause hearing. The stormwater coordinator may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(e) Compliance order. When the stormwater coordinator finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance,
including the construction of appropriate structures, installation of
devices, self-monitoring, and management practices.

(f) Cease and desist and stop work orders. When the
stormwater coordinator finds that any person has violated or continues
to violate this chapter or any permit or order issued hereunder, the
stormwater coordinator may issue a stop work order or an order to cease
and desist all such violations and direct those persons in noncompliance
to:

(i) Comply forthwith; or

(ii) Take such appropriate remedial or preventive action
as may be needed to properly address a continuing or threatened
violation; including halting operations except for terminating the
discharge and installing appropriate control measures.

(g) Suspension, revocation or modification of permit. The
stormwater coordinator may suspend, revoke or modify the permit
authorizing the land development project or any other project of the
applicant or other responsible person within the city. A suspended,
revoked or modified permit may be reinstated after the applicant or other
responsible person has taken the remedial measures set forth in the
notice of violation or has otherwise cured the violations described therein,
provided such permit may be reinstated upon such conditions as the
stormwater coordinator may deem necessary to enable the applicant or
other responsible person to take the necessary remedial measures to cure
such violations.

(h) Conflicting standards. Whenever there is a conflict between
any standard contained in this chapter, other city ordinances or in the
BMP manuals adopted by the city under this chapter, the strictest
standard shall prevail. (as added by Ord. #14-28, Dec. 2014)

18-410. Penalties. (1) Violations. Any person who shall commit any
act declared unlawful under this chapter, who violates any provision of this
chapter, who violates the provisions of any permit issued pursuant to this
chapter, or who fails or refuses to comply with any lawful communication or
notice to abate or take corrective action by the stormwater coordinator, shall be
guilty of a civil offense.

(2) 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. Further definition of said penalties will be as described in the
official city enforcement response plan as approved by the board of mayor and
aldermen.
(3) **Measuring civil penalties.** In assessing a civil penalty, the city may consider:

(a) The harm done to the public health or the environment;
(b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
(c) The economic benefit gained by the violator;
(d) The amount of effort put forth by the violator to remedy this violation;
(e) Any unusual or extraordinary enforcement costs incurred by the city;
(f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
(g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) **Recovery of damages and costs.** In addition to the civil penalty in subsection (2) above, the city may recover:

(a) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.
(b) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(5) **Referral to TDEC.** Where the city has used progressive enforcement to achieve compliance with this chapter, and in the judgment of the city has not been successful, the city may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean verbal warnings, written notices citations and other measures defined in § 18-409 and in the city's enforcement response plan. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

(a) Construction project or industrial facility location;
(b) Name of owner or operator;
(c) Estimated construction project or size or type of industrial activity (including SIC code, if known);
(d) Records of communications with the owner or operator regarding the violation, including at least two (2) follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

(6) **Other remedies.** The city may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(7) **Remedies cumulative.** The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or
criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (as added by Ord. #14-28, Dec. 2014)

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.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the city recorder within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the city's stormwater advisory board established by the city's governing body shall hold a public hearing within thirty (30) days. Ten (10) days' prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days' notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the city shall be final.

(3) Appealing decisions of the city's stormwater advisory board. Any alleged violator may appeal a decision of the stormwater advisory board pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #14-28, Dec. 2014)
CHAPTER 5

STORMWATER UTILITY ORDINANCE

SECTION
18-501. Title and purpose.
18-503. Definitions.
18-504. Funding of stormwater utility.
18-505. Stormwater utility management fund.
18-506. Operating budget.
18-507. Stormwater user fee established.
18-508. Equivalent Residential Unit (ERU).
18-509. Property classification for stormwater user fees.
18-510. Base rate.
18-511. Property owners to pay charges.
18-512. Billing procedures and penalties for late payment.
18-513. Appeals of fees.
18-514. Stormwater user fee credit and adjustment policy.
18-515. Effective date.

18-501. 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)

18-502. 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)

18-503. 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)

18-504. 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)

18-505. 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)

18-506. 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)

18-507. 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)

18-508. 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)

### 18-509. 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)

18-510. **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)

18-511. **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)

18-512. 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. The stormwater user fee shall be considered delinquent if not received by the City of White House by the due date stated in the utility statement.

(3) Failure to pay. The City of White House shall be entitled to recover costs, including but not limited to attorney's fees, incurred in collecting delinquent stormwater user fees. The city may discontinue utility service to any stormwater user who fails or refuses to pay the stormwater user fees.

(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, and amended by Ord. #17-06, April 2017)

18-513. 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)

**18-514. Stormwater user fee credit and adjustment policy.**

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)
18-515. Effective date. 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)
CHAPTER 6

STORMWATER ADVISORY BOARD

SECTION
18-601. Established.
18-602. Composition; terms; filling vacancies.
18-603. General duties of the stormwater advisory board.
18-604. Variances.
18-605. Meetings, quorum.

18-601. 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)

18-602. 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 finance department, 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 and city engineer will not be appointed members 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)

18-603. 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. (as added by Ord. #14-28, Dec. 2014)

18-604. 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.

(2) The appellant shall submit a written request containing specific justifications, and any other information necessary to the stormwater coordinator for the variance request. The stormwater coordinator shall conduct a review of the request for a variance within twenty-five (25) working days after receipt and may either support the petition or may object to the petition. The stormwater coordinator shall receive coordination and review comments from the city engineer on variances and may require additional information or an independent third party study or design analysis. If the stormwater coordinator objects to the variance, the reasons therefore shall be stated. Once the stormwater coordinator's review is complete or the twenty-five (25) working days for review have expired, the petition shall be subject to stormwater advisory board action at the next regularly scheduled meeting or at a special meeting called at the discretion of the chair.

(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 as 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.

(e) In approving a variance, the stormwater advisory board may impose conditions on the approval. The conditions shall be identified in the variance approval.

(f) The decisions of the stormwater advisory board shall be final and conclusive.

(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)

18-605. **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)
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.\[^2\]

\[^1\]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. 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.

1The 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. Registration required.** (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 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

1State law reference
For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.
civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

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 2nd reading, 3-21, 1986.

[Signature]
Mayor

[Signature]
Recorder