

**THE  
WOODBURY  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

March 1998

**TOWN OF WOODBURY, TENNESSEE**

**MAYOR**

Richard Cope

**ALDERMEN**

Connie Bryant  
Joann Davis  
Dotty Duggin  
Charlie Harrell  
Faye Northcutt Knox  
Adam Melton

**RECORDER**

Charlene Odom

## PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the town agrees to 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 Sr. 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  
TOWN CHARTER**

SECTION 12. Be it further enacted, That all ordinances enacted for the Town of Woodbury shall pass two readings by the Board of Mayor and Aldermen, at least one reading to be at a regular meeting of said Board, but before any ordinance shall become effective it shall, on or before the next regular meeting of the Board after its passage by second reading be signed and approved by the Mayor, but the Mayor shall have veto powers, and if he shall refuse to approve an ordinance he shall return the same to the Board at its next meeting with his reasons stated in writing for his refusal, and said ordinance shall not become binding unless by an affirmative vote of a majority of the Aldermen it shall be passed notwithstanding the Mayor's veto, but if the Mayor does not veto the same as herein provided within ten days it shall be valid and enforceable without the signature and approval of the Mayor.

## **TITLE 1**

### **GENERAL ADMINISTRATION<sup>1</sup>**

#### **CHAPTER**

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

#### **CHAPTER 1**

### **BOARD OF MAYOR AND ALDERMEN<sup>2</sup>**

#### **SECTION**

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

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular monthly meetings on the first Tuesday after the first Monday of each month at the town hall. The meetings shall begin at 7:00 P.M. (1977 Code, § 1-101, modified)

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

- (1) Call to order by the mayor.

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<sup>1</sup>Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references

Eligibility: § 9.

Oath of office: §§ 5 and 10.

Vacancy in office: § 17.

- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1977 Code, § 1-102)

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

## CHAPTER 2

### MAYOR<sup>1</sup>

#### SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

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

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

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<sup>1</sup>Charter references

Duties: § 14.

Eligibility: § 9.

Oath of office: §§ 5 and 10.

Powers: § 15.



## CHAPTER 3

### **RECORDER**<sup>1</sup>

#### **SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

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

**1-301. To be bonded.** The recorder shall be bonded, required in the charter, § 18, in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1977 Code, § 1-301)

**1-302. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve all ordinances as required in the charter, § 18. (1977 Code, § 1-302)

**1-303. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the town which are not assigned by the charter, this code, the mayor, or the board to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide. (1977 Code, § 1-303)

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<sup>1</sup>Charter references

Appointment: §§ 13 and 18.

Compensation: § 13.

Duties: § 18.

Term of office: § 13.

## CHAPTER 4

### PUBLIC RECORDS

#### SECTION

1-401. Fee for copying public records.

**1-401. Fee for copying public records.** (1) Persons desiring copies of town public records shall be required to pay to the office of the city recorder a fee of \$.50 per copy.

(2) This section shall have no effect on charges for copies and reports that have been established by the Woodbury Police Department or the city court. (as added by Ord. #352, Sept. 2003)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

**[RESERVED FOR FUTURE USE]**

**TITLE 3****MUNICIPAL COURT<sup>1</sup>****CHAPTER****1. TOWN JUDGE.****CHAPTER 1****TOWN JUDGE****SECTION**

- 3-101. Town judge.
- 3-102. Powers of judge.
- 3-103. Qualifications of judge.
- 3-104. Appointment of judge.
- 3-105. Vacancy in office of judge.
- 3-106. Oath of office and bond of judge.
- 3-107. Salary of judge.
- 3-108. Absence or disability of judge.

**3-101. Town judge.** The city court shall be presided over by a town judge whose position is created pursuant to the provisions of the Tennessee Code Annotated, §§ 16-18-101 and 16-18-102, and this chapter. (1977 Code, § 1-501)

**3-102. Powers of judge.** The town judge shall be vested with the judicial powers and functions of the recorder and shall be subject to the provisions of law and the town's charter governing the municipal court presided over by the recorder. (1977 Code, § 1-502)

**3-103. Qualifications of judge.** The town judge must be at least 21 years of age and be a resident of the Town of Woodbury. (1977 Code, § 1-503)

**3-104. Appointment of judge.** The town judge shall be appointed by the board of mayor and aldermen to serve for the same term as the appointing board but may be removed by the board at any time with or without cause. (1977 Code, § 1-504)

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<sup>1</sup>Charter reference: § 27.

**3-105. Vacancy in office of judge.** Vacancies in the office of town judge shall be filled for the unexpired term by the board of mayor and aldermen. (1977 Code, § 1-505)

**3-106. Oath of office and bond of judge.** Before entering upon the duties of his office, the town judge shall take an oath to support the Constitutions of the United States and the State of Tennessee and faithfully to enforce, to the best of his skill and ability, all laws and ordinances over which he has jurisdiction. Also, before entering upon the duties of his office, the town judge shall execute and deliver to the town a fidelity bond, with some surety company authorized to do business in the state as surety, in the amount of five thousand dollars (\$5,000). The cost of making this bond shall be paid by the town. (1977 Code, § 1-506)

**3-107. Salary of judge.** The salary of the town judge shall be fixed by the board of mayor and aldermen before his appointment and shall not be altered during his term of service. (1977 Code, § 1-507)

**3-108. Absence or disability of judge.** The mayor may designate any attorney licensed to practice law in Tennessee to serve as judge during the absence or disability of the town judge. (1977 Code, § 1-508)

## **TITLE 4**

### **MUNICIPAL PERSONNEL**

#### **CHAPTER**

1. PERSONNEL RULES AND REGULATIONS.
2. FAMILY AND MEDICAL LEAVE POLICY.
3. RULES OF CONDUCT.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. INFECTIOUS DISEASE CONTROL POLICY.
6. CONFINED SPACE PROGRAM.
7. TRAVEL REIMBURSEMENT.
8. GRIEVANCE POLICY.
9. SEXUAL HARASSMENT PROHIBITED.
10. DRUG AND ALCOHOL TESTING POLICY.
11. RESPIRATORY PROTECTION PROGRAM.

#### **CHAPTER 1**

### **PERSONNEL RULES AND REGULATIONS**

#### **SECTION**

- 4-101. Purpose.
- 4-102. Coverage.
- 4-103. Classes of employees.
- 4-104. Hiring procedures.
- 4-105. Separation and discipline.
- 4-106. Compensation.
- 4-107. Benefits.
- 4-108. Miscellaneous personnel policies.

**4-101. Purpose.** The purpose of this chapter is to establish a system of personnel administration in the Town of Woodbury that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal and political considerations and regardless of race, color, gender, age, creed, national origin, or disability. (1977 Code, § 1-701, as replaced by Ord. #319, Feb. 2001)

**4-102. Coverage.** All offices and positions of the Town of Woodbury 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 town's service unless specifically placed in the exempt service. All offices and positions of the Town of Woodbury in the exempt service are as follows:

- (1) All elected officials;

- (2) The city recorder;
- (3) Members of appointed boards and commissions;
- (4) Consultants, advisors, and legal counsel rendering temporary professional service;
- (5) City attorney;
- (6) Independent contractors;
- (7) People 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) City judge;
- (11) Police chief;
- (12) Fire chief;
- (13) Superintendent of sewer plant operations;
- (14) Director of public works;

All employment positions of the Town of Woodbury not expressly exempt from coverage by this section shall be subject to the provisions of the town charter. (1977 Code, § 1-702, as replaced by Ord. #319, Feb. 2001)

**4-103. Classes of employees.** (1) Regular full-time. Regular full-time employees are individuals employed by the town who work at least 40 hours per week and have completed a 60 day probationary period. Regular full-time employees receive full benefits unless specifically excluded by the city charter, code, or ordinances.

(2) Regular part-time. Regular part-time employees are individuals who do not work on a daily basis and whose hours cannot exceed 32 hours per week unless approved by the department head or supervisor. Regular part-time employees are excluded from all benefits afforded full-time employees.

(3) Temporary employee. A temporary employee is an individual who works for the town for no more than seven months during one calendar year. Temporary employees receive no benefits.

(4) Temporary part-time employee. A temporary part-time employee is an individual who work up to 32 hours per week. Temporary part-time employees receive no benefits.

(5) Volunteer employee. A volunteer is an individual who works for the town for little or no compensation.

(6) Volunteer firefighters. Volunteer firefighters are selected by the fire chief. After successfully completing a 90 day probationary period and approval of the fire chief, their continuance is subject to approval of the board of mayor and aldermen. Volunteer firefighters are compensated per fire-call plus one paid attended meeting per month with no other benefits except coverage under the Volunteer Firefighter's Insurance Coverage Policy. (1977 Code, § 1-703, as replaced by Ord. #319, Feb. 2001)

**4-104. Hiring procedures.** (1) Purpose. The primary purpose of this hiring policy is to ensure compliance with the law and to obtain qualified personnel to serve the citizens of the town. Appointments to positions are based on merit, technical knowledge, and work experience. Persons shall not be employed, promoted, demoted, discharged, or in any way favored or discriminated against because of race, gender, age, color, religion, creed, ancestry, disability, or national origin. The town reserves the right to alter or change any or all of these rules without prior notice to the employees.

(2) Recruitment. The town will employ only capable and responsible personnel who are of good character and reputation. When a vacancy occurs in any department, the position will be filled by promotion from a lower position within the organization, if a qualified employee is available. When qualifications are considered equal, then the length of continuous service in the organization will be the determining factor for selection.

(3) Application process. All people seeking appointment or employment with the town shall complete a standard application form as provided by the municipal government. Employment applications shall be submitted to the recorder's office during regular office hours only. The recorder's office, department head, or supervisor will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

(4) Interviews. Upon receipt of applications the department head, supervisor, and/or mayor shall screen the applicants and determine the applicants who may be interviewed. All interviews shall be conducted in compliance with the Americans with Disabilities Act.

(5) Appointments. All appointments subsequent to the probationary period shall be made by the department head or supervisor, with approval by the mayor. Following a conditional offer of employment, every prospective employee, when required, may be given a medical examination and a general physical exam by a licensed physician designated by the Town of Woodbury to ensure they can perform the essential functions of the position they have been offered. The cost of this medical exam shall be borne by the town. Any prospective employee who is unable to successfully perform the essential functions tested for in the medical examination shall have the offer of employment by the town withdrawn only if they:

- (a) Cannot perform the essential functions of the job due to a disability that cannot be reasonably accommodated;
- (b) Pose a direct threat to themselves and/or others;
- (c) Are unable to perform the essential functions due to a temporary condition or disability not protected by ADA.

(6) Citizenship and alien status verification. The town will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the town will not knowingly employ any person who is or becomes an unauthorized alien. In



compliance with the Immigration Reform and Control Act, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment or the individuals will not be hired.

(7) Probation. Applicants appointed to positions with the Town of Woodbury are required to serve a 60-day probationary period. During this period, the employee's work performance will be subject to review regarding the competence of the employee to fill the position. An employee may be terminated during this period for any reason without respect or reference to the procedures set forth in this document, the charter, or other ordinances. If the probationary period is satisfactory, the employee may be recommended for a full-time appointment. The probationary period may be extended by written approval of the department head.

(8) Transfers. The board of mayor and aldermen may make transfers of employees or delegate this authority. A transfer may also be implemented as a reasonable accommodation when an employee is unable, due to disability, to continue to perform the essential functions of the job.

(9) Promotions/demotions. The board of mayor and aldermen may make promotions/demotions of employees or delegate this authority. A demotion may be implemented as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job. (1977 Code, § 1-704, as replaced by Ord. #319, Feb. 2001)

**4-105. Separation and discipline.** (1) Types of separation. All separations of employees from city positions shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoff, death, retirement, dismissal, and the inability to perform the essential job functions with or without a reasonable accommodation due to a disability. At the time of separation and prior to final payment, all records, assets, and other items of city property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation.

(2) Resignation. In the event an employee decides to leave the town's employ, a two-week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any or all city equipment assigned. An unauthorized absence from work for a period of three consecutive working days may be considered by the department head as a resignation. If a former employee returns to city employment, his/her status of seniority, pay, leave, etc. will be the same as any new employee beginning work for the first time.

(3) Layoff. The department head, upon approval from the mayor and board of aldermen, may lay off any employee in the town service when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or

other material changes in the duties or organization of the employee's position, or for related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service. Temporary employees shall be laid off before probationary or regular employees. The order of layoff shall be in reverse order to total continuous time served upon the date established for the layoff to become effective.

(4) Disability. An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment that cannot be accommodated without undue hardship or because the disability poses a direct threat to the health and safety of others. A reasonable accommodation may include transfer to a comparable position for which the individual is qualified. Action may be initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the mayor and board of aldermen, and the disability must prevent the employee from performing the essential functions of the job. The town may require an examination at its expense to be performed by a licensed physician of its choice.

(5) Retirement. Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate retirement system.

(6) Death of the employee. Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

(7) Dismissal. The Town of Woodbury may dismiss an employee for just cause that is for the good of the town service. Reasons for dismissal may include, BUT SHALL NOT BE LIMITED TO: misconduct, negligence, incompetence, insubordination, unauthorized absences, falsification of records, violation of any of the provisions of the charter, ordinances, or the city's code of conduct.

With the exception of a Reduction in Force (RIF), full time employees and non-elected officials will be terminated only for "cause." When it has been determined that an employee's conduct warrants termination, the department head, with the concurrence of the mayor, will suspend the employee, without pay, until a hearing can be conducted.

When an employee is suspended pending termination, a hearing will automatically be held within three (3) working days of the suspension. The hearing will be conducted by a board consisting of the mayor (chairman), the department head and/or supervisor, and the city recorder. The employee will be afforded an opportunity to state his/her case and explain his/her position in the matter. At the conclusion of the hearing, the board will decide whether the suspension was warranted. In the event that it is determined that suspension was without just cause, the employee will be returned to work with full pay for the period of suspension. If the board upholds the suspension, the employee is

terminated. If the employee is not satisfied with the action of the hearing board, the employee may, in writing, request a hearing before the board of mayor and aldermen at its next scheduled meeting.

In the event of the city judge, city recorder, city attorney, police chief, fire chief, or public works director, there shall be no suspension. If an allegation of the violation of rules of conduct is made against any of these non-elected officials, it shall be the duty of the mayor to make an initial decision as to the validity of the allegation after an investigation. If the mayor determines that the allegation is without merit, the matter will be dismissed. If the mayor determines that the allegation has merit, he shall present the matter to the board of aldermen, which shall afford the official involved an opportunity to present his position in the matter. At the conclusion of the hearing, the mayor and board of aldermen shall make its decision as to whether the allegation is without merit or well founded, and thereafter take appropriate action to either discipline the official or dismiss the matter. (1977 Code, § 1-705, as replaced by Ord. #319, Feb. 2001)

**4-106. Compensation.** (1) Wages/salaries. The board of mayor and aldermen shall set all wages and salaries paid by the town. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications.

(2) Hours of work. The board of mayor and aldermen shall establish the hours of work per week for each position in the service of the town. Employees unavoidably late or absent from work due to illness or other cause must notify their supervisor within the time frame established by each department (unless unusual circumstances prevent the employee from making proper notification). Such employees must explain the reason for the absence and, if possible, an anticipated time and date of return to work. Failure to notify one's supervisor of absences may result in disciplinary action. Employees found falsifying time sheets will be subject to disciplinary action up to and including dismissal. Excessive tardiness as outlined in the code of conduct is regarded as sufficient reason for termination.

(3) Employee breaks. Employees are entitled to one 20 minute break per eight hour shift. The break is to be taken with approval from your supervisor, in a designated area, and at a designated time. Your supervisor will choose the proper time and place for rest breaks. Lunch breaks shall be for periods determined by the immediate supervisor, but in no event shall lunch breaks be for more than one hour. Excluded are employees who work a straight eight-hour shift and are not allowed to leave their workstations or have relief of duty during their shift. In such cases, breaks and lunch may be taken at whatever time deemed convenient to the employee. These employees are considered to have "paid lunch and breaks," however, they are not relieved of their duties at any given time during their work shift.

(4) Death of an employee. Upon the death of a full-time regular employee, his/her beneficiary will receive his/her next due payroll check, pay for accrued vacation time. Further, his/her beneficiary shall be given complete assistance by the Town of Woodbury in settling retirement, life, and hospital insurance benefits.

(5) Payday. All administrative and hourly employees of the Town of Woodbury shall be paid on a weekly basis. If you have questions about your work time, salary, or paycheck, call them to the attention of the department head/supervisor within the pay period in question or immediately thereafter. If you are absent on payday and wish to have someone else obtain your check for you, you may send a signed note authorizing the town to give your check to the bearer.

If you lose your check, notify your department head immediately. You will be required to sign an affidavit that your check has been lost, and a new one will be issued. If you resign, your last check will be issued within 14 days, provided all equipment is turned in to the town. You should give written notice of where the check should be sent if you are not available to pick it up. In addition, you should confirm a correct mailing address for any future documents which may be sent to you concerning your employment with the town.

(6) Payroll deductions. (a) Federal income tax. Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by the individual. Employees are required to keep on file with the town a copy of the W-4 form. In the event of changes in the employees exemption status, a revised W-4 must be filed before payroll deductions will be made.

(b) Social security. Social security payments and deductions will be made in accordance with the Social Security Act. The recorder's office shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

(c) Overtime. Employees required to work overtime shall be compensated in accordance with the FLSA at a rate of 1-1/2 times the employee's regular pay rate. Full-time employees who are classified as "exempt" are excluded from the overtime provisions of the town. (as added by Ord. #319, Feb. 2001)

**4-107. Benefits.** (1) Eligibility. All full time employees are eligible for all benefits provided by the town.

(2) Vacation and sick leave. (a) Vacation. All full time officers and employees shall be afforded paid vacation time contiguous with their length of employment as follows:

One-four years of employment:	1 week vacation
Five-nine years of employment	2 weeks vacation

Ten-fourteen years of employment	3 weeks vacation
Fifteen or more years of employment	4 weeks vacation

Such vacation leave shall be taken at a time approved by the mayor or department head/supervisor. In no event shall an employee receive vacation time prior to one continuous year of employment with the town.

(b) Sick leave. All officers and employees shall be given a credit of one day of sick leave with pay for each month of employment hereafter served. Sick leave, up to the number of days accrued, shall only be taken when an officer or employee's absence is due to his/her illness, bodily injury, exposure to contagious disease, or serious illness or death in the officer or employee's immediate family. "Immediate family" shall only include spouse, parent, grandparent, child or a sibling. In the event of a death of an immediate family member, the officer or employee shall be allowed up to three days funeral/bereavement leave. The mayor or department head may require a doctor's certificate or other satisfactory evidence that any absence is properly chargeable as sick leave. If the officer or employee is required to provide proof of their absence and they fail to do so, then they will not be allowed sick leave pay. The maximum credit for accrued sick leave under this provision shall be ninety days. Upon resignation, termination, or retirement, accrued sick leave is not payable to the employee. In the case of an employee who is retiring, accrued sick leave may be counted towards length of service.

(3) Holidays. Full-time employees are allowed a day off with pay on the following holidays: New Year's Day, Martin Luther King Jr. Birthday, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day, and employee birthday.

If a holiday falls on Sunday, it will be observed on the following Monday. If the holiday falls on Saturday, it will be observed on the preceding Friday. To receive compensation for the holiday, employees must be in a pay status on the workday before and after the holiday unless otherwise excused by the supervisor. The employee birthday may be taken ONLY during the month of their birthday with scheduling and approval by the department head/supervisor.

(4) Holiday pay. When an employee must work on a holiday, the employee will be paid at the rate of straight time of their regular pay rate for all scheduled and unscheduled time worked on the day observed as the holiday. This applies to all paid holidays, excluding the employee birthday. Employees must work the day immediately preceding the holiday and the day immediately after, with the exception of an approved vacation or sick day, in order to receive holiday pay.

(5) Miscellaneous leave. (a) Funeral/bereavement leave. Employees will be entitled of up to three days of funeral/bereavement leave with pay

for the death of an immediate family member. Immediate family member is a parent, spouse, child, sibling, grandchild, or grandparent. If the employee needs additional leave time, they may use accumulated sick or vacation leave upon approval of the department head/supervisor.

(b) Civil leave. Civil leave with pay may be granted to employees to:

- (i) Serve on jury duty
- (ii) Answer a subpoena to testify for the town
- (iii) Perform emergency duty for national defense.

Employees selected for civil service shall be excused for the actual duration of the civil service. Upon release from civil duty during the employee's normal working hours, he/she is expected to return to duty. Employees will receive full pay during such service.

(c) Voting. When elections are held in the state, leave for the purpose of voting shall be in accordance with Tennessee Code Annotated, § 2-1-106, herein reprinted:

"Employers may designate periods of permissible absenteeism. Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed three hours, necessary to vote during the time the polls are open in the county where he/she is a resident. A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for his absence. If the tour of duty of an employee begins three or more hours after the opening of the polls or ends three or more hours before the closing of the polls of the county where he/she is a resident, he/she may not take time off under this section. The employer may specify the hours during which the employee may be absent. Request for such absence shall be made to the employer before twelve noon of the day before the election."

(d) Military leave. Any regular employee who has completed six months of satisfactory employment and who enters the U.S. armed forces will be placed on military leave. The mayor and board of aldermen shall approve military leave without pay when the employee presents his/her official orders. The employee must apply for reinstatement within 90 days after release from active military duty.

The employee will be reinstated to a position in the current classification plan at least equivalent to his/her former position. His/her salary will be the salary provided under the position classification and compensation plan prevailing at the time of reinstatement or re-employment for the position to which he/she is assigned. If no position is available at the time of the employee's return, the employee will be reinstated into the first available position. No current full-time employee will be terminated or laid off to allow for the reinstatement.

Any regular full-time employee who is a member of the U.S. Army Reserve, Navy Reserve, Air Force Reserve, Marine Reserve, or any of the armed forces will be granted military leave for any field training or active duty required (excluding extended active duty). Such leave will be granted upon presentation of the employee's official order to his/her jurisdiction official. Compensation for such leave will be paid pursuant to Tennessee Code Annotated, § 8-33-109.

It will be the employee's responsibility to arrange with the department supervisor to attend monthly meeting on regular off-time, with pay being applicable to the annual two-week training period. Employees entering an extended active duty will be given fifteen (15) days pay when placed on military leave.

Firefighters who are members of the U.S. Army Reserve, Navy Reserve, Air Force Reserve, or Marine Reserve shall be allowed seven and a half (7.5) shift days for reserve training. (This applies to full-time firefighters.)

(6) Workers' compensation. All injuries arising out of and in the course of one's employment shall be governed by the Tennessee workers' compensation law. Employees on occupational disability leave shall receive only those benefits due under workers' compensation.

In all cases of occupational disability, the responsibility of determining the character, degree, and potential duration of an injury shall rest with the licensed, practicing medical doctor(s) designated by the Town of Woodbury. The medical doctor(s) may make periodic examinations, progress reports, and recommendations as deemed necessary by the department head.

Before an employee is returned to full duty, the employee may be required to demonstrate his/her fitness for duty by passing a performance test administered by the department head. This will only test for ability to perform routine tasks using those skills required for the position. Should an employee be unable to return to work within six months from the day following the date of injury, the employee may be subject to separation only if he/she:

- (a) Cannot perform the essential functions due to a disability that cannot reasonably be accommodated; and
- (b) Poses a direct threat to himself/herself and/or others.

(7) Insurance coverage. The Town of Woodbury provides basic health, dental and life insurance coverage for full-time employees. Should circumstances dictate terminating benefits, the town will offer employees and their dependents the opportunity to extend their health insurance coverage under COBRA. (as added by Ord. #319, Feb. 2001)

**4-108. Miscellaneous personnel policies.** (1) Political activity. Nothing in this section is intended to prohibit any city employee from privately expressing his/her political views or from casting his/her vote in all elections.

(2) Municipal elections. No city employee, whether on or off duty, whether in or out of uniform, and whether on or off city property, shall at all time or any place:

- (a) Become a candidate for or campaign for an elective city office in the Town of Woodbury;
- (b) Directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments, contributions, or other funds for a candidate for city office;
- (c) Organize, sell tickets to, promote, or actively participate in a fund-raising activity of a candidate for city office;
- (d) Take an active part in managing the political campaign for a candidate for city office;
- (e) Solicit votes in support of or in opposition to a candidate for city office;
- (f) Act as a clerk, watcher, challenger, or similar officer at the polls on behalf of a candidate for city office;
- (g) Drive voters to the polls on behalf of a candidate for city office;
- (h) Endorse or oppose a candidate for city office in a political advertisement, broadcast, campaign literature, or similar material;
- (i) Address a rally or similar gathering of the supporters of opponents of a candidate for city office;
- (j) Initiate or circulate a nominating petition for a candidate for city office;
- (k) Wear campaign buttons, pins, hats, or other similar attachment, or distribute campaign literature in supporting or opposing a candidate for city office, WHILE ON DUTY.

(3) In all other elections for public office. City employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any county, state, or federal political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. The Town of Woodbury is not required to pay the employee's salary for work not performed for the municipality.

(Note: Tennessee Code Annotated, § 38-8-350 prohibits law enforcement officers from engaging in political activities, supporting or opposing any candidate, party, or measure in any election when on duty or acting in such officer's official capacity.)

(4) Personal telephone calls. Using the office telephone during regular work hours for local and/or long distance personal calls, except in emergency cases, is discouraged.

(5) Driving records. Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license must immediately, before reporting for duty the next workday, inform his/her supervisor should his/her license become denied, expired,



restricted, suspended, or revoked any time during employment with the town. Periodic review of employees' driving records will be conducted by the department head/supervisor to assure adherence to this policy.

(6) Garnishments. An employee who is garnished for more than one indebtedness within one 12-month period may be subject to disciplinary action in accordance with the following schedule:

- (a) First offense: Oral reprimand
- (b) Second offense: Written reprimand
- (c) Third offense: May be discharged in accordance with the dismissal policy.

(7) Use of city vehicles prohibited. All city vehicles and equipment are for official use only. No person other than a city employee may operate a city vehicle or piece of machinery. Drivers and/or operators must have a valid Tennessee driver's license and be approved by the department head. (as added by Ord. #319, Feb. 2001)

## CHAPTER 2

### FAMILY AND MEDICAL LEAVE POLICY

#### SECTION

#### 4-201. Family and medical leave.

**4-201. Family and medical leave.** To provide a family medical leave policy in compliance with Public Law 103-3, titled Family and Medical Leave Act (FMLA) of 1993.

(1) Eligibility. An eligible employee may take up to 12 weeks of unpaid leave in a 12-month period for the birth and care of a child or the placement and care of a child for adoption or foster care. (Note: Under the Tennessee Maternity Leave Act (TMLA), a female employee may take an additional four weeks of unpaid leave if the three-month advance notice has been complied with.) Leave may also be taken to care for the employee, a child, spouse, or a parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible.

Unpaid leave to care for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first 12 months following the date of birth or placement.

An expectant mother may take unpaid medical leave upon the birth of the child, or prior to the birth of the child, for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement to proceed.

An employee may take unpaid leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his/her own basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, recovering from major surgery, or the final stages of terminal illness.

Eligible employees who are unable to perform the functions of their position because of a serious health condition may request up to 12 weeks unpaid leave. The term "serious condition" covers conditions or illnesses that affect an employee's health to the extent that he/she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.

Employees requesting medical leave due to their own illness or injury shall use any balance of sick leave, annual leave, or floating holidays prior to the beginning of unpaid leave. The combination of sick leave, annual leave, floating holidays, and unpaid leave may not exceed 12 weeks. Employees requesting family leave may use unpaid leave. The combination of annual leave, floating holidays, and unpaid leave may not exceed 12 weeks.

During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave period.

If spouses are employed by the same employer and wish to take leave for the care of a new child, or a sick parent, their aggregate leave is limited to 12 weeks. For example, if the father takes eight weeks of leave to care for a child, the mother would be entitled to four weeks leave, for a total of 12 weeks.

(2) Right to return to work. On return from FMLA, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been restructured to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. However, the employer's obligations may be governed by the American with Disabilities Act.

(3) Notification and scheduling. An eligible employee must provide the employer at least 30 days of advance notice of the need for leave for birth, adoption, or planned medical treatment, when the need for leave is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseeable events, such as premature birth or sudden changes in a patient's condition that require a change in scheduled medical treatment.

People who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

It is the city's responsibility to designate leave in writing as FMLA leave and to notify the employee. Employees may not retroactively claim that leave was for FMLA.

The employer will provide FMLA leave notice in alternate formats.

(4) Certification. The employer reserves the right to verify an employee's request for family/medical leave. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the employer requires that the request be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the employer has no reason to question the original certification, the employer may, at the employer's expense, require a second opinion from a different health care provider chosen by the employer. That health care provider may not be employed by the employer on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.

This certification must contain the date on which the serious health condition began, its probable duration, and the appropriate medical facts within the knowledge of the health care provider regarding the condition. The

certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.

Medical certifications given will be treated as confidential and privileged information. An employee will be required to report periodically to the employer the status and the intention of the employee to return to work.

Employees who have taken unpaid leave under this policy must furnish the employer with a medical certification from the employee's health care provider at the employee's expense, stating that the employee is able to resume work before return is granted.

(a) Maintenance of health and COBRA benefits during unpaid leave. The employer will maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid leave without interruption. Any payment for family coverage/premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may not be continued.

The employer has the right to recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.

Leave taken under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee can still not return to work, and therefore ceases to be entitled to leave under this policy.

(b) Reduced and intermittent leave. Leave under this policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with approval of the department head and mayor and board of aldermen. The schedule must be mutually agreed upon by the employee and the employer.

Employees on intermittent or reduced leave schedules may be temporarily transferred by the employer to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.

Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but will not exceed the equivalent of 12 work weeks in a 12-month period.

(c) Restoration. Employees who are granted leave under this policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave.

Employees voluntarily accepting a light duty assignment in lieu of continuing FMLA leave maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of FMLA leave has passed.

(d) The 12-month FMLA period. The 12-month period during which an employee is entitled to 12 workweeks of FMLA is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to 12 weeks of leave during the 12-month period after the leave begins. The next 12-month period will begin the first time the employee requests FMLA leave after the completion of the previous 12-month period. (The employer may choose as the 12-month period either the calendar year, a fixed 12-month period, or the 12-month period counted backward from the date of leave.)

(e) Denial of FMLA leave. If an employee fails to give timely advance notice when the need for FMLA leave is foreseeable, the employer may delay the taking of FMLA leave until 30 days after the date the employee provides notice to the employer of the need for FMLA leave.

If an employee fails to provide in a timely manner a requested medical certification to substantiate the need for FMLA leave due to a serious health condition, an employer may delay continuation of FMLA leave until an employee submits the certificate. If the employee never produces the certification, the leave is not FMLA leave.

If any employee fails to provide a requested fitness-for-duty certification to return to work, an employer may delay restoration until the employee submits the certificates. (1977 Code, § 1-801, as replaced by Ord. #319, Feb. 2001)

## CHAPTER 3

### RULES OF CONDUCT

#### SECTION

4-301. Purpose.

4-302. Expectations.

4-303. Penalties.

**4-301. Purpose.** Reasonable rules of conduct are necessary for the orderly and efficient operation of the town government. Rules of conduct should be reasonable and should be for the purpose of promoting efficiency, effectiveness, and safety. Rules should tell the employee what is expected of him/her and the sanctions for violating the rules. Such being the case, rules for employees and non-elected officials of the Town of Woodbury and the penalties for violation of said rules are set forth in § 4-302. Any violation of these rules shall constitute just cause for disciplinary action and/or discharge of any town employee or non-elected official. (1977 Code, § 1-901, as replaced by Ord. #319, Feb. 2001)

**4-302. Expectations.** The Town of Woodbury has the right to expect that the employee will:

- (1) Be at work on time.
- (2) Give a full day's work.
- (3) Respond positively to directions.
- (4) Learn the present and new job.
- (5) Adjust to changes.
- (6) Get along with other employees, officials, and the general public.
- (7) Be physically and mentally fit for normal duty.
- (8) To know and follow the rules.
- (9) Not to use excessive unscheduled absences. Unscheduled absence is calling on short notice and reporting that you will not be in for work. Unscheduled absences that are 20% more than average are deemed excessive.
- (10) Not to use excessive sick leave. Excessive sick leave is leave that is taken two days at a time without excuse. Sick leave is excessive when the amount of time taken a day or two at a time is more than 20% of average sick leave. Sick leave that is taken for longer periods of time, where the employee is actually sick, is not excessive sick leave.
- (11) To be productive in his/her work.
- (12) To take proper care of town equipment.
- (13) To keep work area clean and free of clutter.
- (14) To report in a timely manner, damage to equipment that is assigned to or that is being used by the employee.

(15) Not to violate the town's drug free policies. The employee is obligated to inform his/her supervisor of any prescription drugs that the employee is taking, the side effects of which may cause drowsiness or impair the ability of the employee to operate city equipment.

(16) Not to report to work without a driver's license, if the employee is required to have a driver's license to perform the job to which he/she is assigned. The employee is not to operate a city vehicle without a driver's license in his/her possession.

(17) To be courteous in dealing with fellow employees and the public.

(18) Employees, other than police officers, are not to carry guns or knives with a blade longer than three inches, in any city vehicle. Town owned equipment that is used for cutting grass, weeds, or trees shall not be considered a violation of this rule.

(19) Not to make an excessive number of errors in carrying out job duties. (1977 Code, § 1-902, as replaced by Ord. #319, Feb. 2001)

**4-303. Penalties.** The penalties listed in this section for violations are intended to be the penalties for the normal type of violation that have normal consequences.

Subject to an appeal to the city council, more severe disciplinary measures may be taken where violations have serious consequences. Conversely, the city may take less severe disciplinary measures under the opposite circumstances.

#### Conduct and penalties

(1) Demonstrated inability or unwillingness to respond positively to directions from supervisors.

(a) First offense will result in 3 days off without pay.

(b) Second offense will result in discharge.

(2) Failure to take proper care of city equipment, or theft of city property.

(a) Immediate discharge.

(3) Failure to get along with others. Fighting with, threatening or intimidating other employees, or horseplay, on city property or while performing work on city time will not be condoned or tolerated.

(a) First offense will result in 2 days off without pay.

(b) Second offense will result in 5 days off without pay.

(c) Third offense will result in discharge.

(4) Failure to be at work on time. Being absent without reasonable cause or absence without proof of just cause; or frequent lateness; or leaving the job without approval of the supervisor.

(a) First offense will result in 2 days off without pay.

(b) Second offense will result in 5 days off without pay.

(c) Third offense will result in discharge.

- (5) Use of excessive unscheduled absences. Walking off the job or unauthorized absence from work place during scheduled work hours.
  - (a) First offense will result in 1 day off without pay.
  - (b) Second offense will result in 3 days off without pay.
  - (c) Third offense will result in discharge.
- (6) Failure to report in a timely manner, damage to equipment that is assigned to or that is being used by the employee.
  - (a) First offense will result in reprimand, plus pay cost of damages.
  - (b) Second offense will result in 3 days off without pay, plus cost of damages.
  - (c) Third offense will result in discharge, plus cost of damages.
- (7) Violating or disregarding safety rules and common safety practices or contributing to unsanitary or unhealthy conditions.
  - (a) First offense will result in reprimand.
  - (b) Second offense will result in 3 days off without pay.
  - (c) Third offense will result in discharge.
- (8) Deliberate falsifying of city records (water meter books, gasoline logs, accident reports, police logs, etc.).
  - (a) First offense will result in 5 days off without pay, plus restitution if applicable.
  - (b) Second offense will result in discharge.
- (9) Abuse of sick leave. Sick leave that is taken regularly for a day or two at a time, without excuse, and that is twenty percent (20%) greater than the average sick leave taken by other city employees shall be considered an abuse of sick leave.
  - (a) First offense will result in a warning.
  - (b) Second offense will result in 3 days off without pay.
  - (c) Third offense will result in discharge.
- (10) Failure to be productive in his/her work.
  - (a) First offense will result in a warning.
  - (b) Second offense will result in 3 days off without pay.
  - (c) Third offense will result in discharge.
- (11) Intentional deviation from established work procedures without authorization from the supervisor.
  - (a) First offense will result in a warning.
  - (b) Second offense will result in 3 days off without pay.
  - (c) Third offense will result in discharge.
- (12) Deliberate falsification of application for employment or insurance claim that would seriously affect employment.
  - (a) Immediate discharge.
- (13) Unsettled or frequent assignment of levy of wages.
  - (a) First offense will result in a warning.
  - (b) Second offense will result in a reprimand.



- (c) Third offense will result in discharge.
- (14) Gambling on city property at any time.
  - (a) First offense will result in 3 days off without pay.
  - (b) Second offense will result in discharge.
- (15) Possession of illegal drugs, other than personal prescription; or consuming such drugs or intoxicating beverages on city property; or reporting for work under the influence of such illegal drugs or intoxicating beverages. The employee is obligated to inform his/her supervisor if he/she is taking a prescription drug, while on duty, the side effects of which are known to cause drowsiness or impair his/her ability to operate city equipment or perform any job function.
  - (a) First offense will result in 3 days off without pay.
  - (b) Second offense will result in discharge.
- (16) Sleeping during working hours on city property or city time.
  - (a) First offense will result in 1 day off without pay.
  - (b) Second offense will result in 3 days off without pay.
  - (c) Third offense will result in discharge.
- (17) Intentional ringing or punching the time card of another employee, having the time card punched by another employee, unauthorized alteration or mutilation of a time card, for the purpose of defrauding the Town of Woodbury.
  - (a) Immediate discharge.
- (18) The conviction of any felony in any court, federal or state.
  - (a) Immediate discharge.
- (19) Failure to give a full day's work.
  - (a) First offense will result in 1 day off without pay.
  - (b) Second offense will result in 3 days off without pay.
  - (c) Third offense will result in discharge.

The above rules are not all-inclusive, but cover the most common infractions. Penalties for other forms of unacceptable conduct will be administered consistent with the seriousness of the offense.

In addition to all of the rules of conduct set out above, the employees and non-elected officials of the town shall be subject to any and all of the charter provision applicable to such employees or officials. Further, the city judge shall be subject to the code of professional responsibility, and the code of judicial conduct, being Rules 8 and 10, respectively, of the Rules of the Supreme Court of the State of Tennessee. Further the city attorney will be subject to the code of professional responsibility, being Rule 8 of the Rules of the Supreme Court of the State of Tennessee. The chief of police, in addition to complying with the rules of conduct set out above, shall comply with any and all provisions contained in the Tennessee Code Annotated, applicable to law enforcement officers, and in addition thereto, shall comply with the city adopted police manual. (1977 Code, § 1-903, as replaced by Ord. #319, Feb. 2001)

## CHAPTER 4

### **OCCUPATIONAL SAFETY AND HEALTH PROGRAM**<sup>1</sup>

#### **SECTION**

- 4-401. Creation and title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding of program.

**4-401. Creation and title.** There is hereby created a safety and health program for employees of the Town of Woodbury, as follows. This chapter shall provide authority for establishing and administering the "Occupational Safety and Health Program for the Employees of the Town of Woodbury." (1977 Code, § 1-1001, as replaced by Ord. #317, Nov. 2000)

**4-402. Purpose.** The Town of Woodbury, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor 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.

(3) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this program. (1977 Code, § 1-1002, as replaced by Ord. #317, Nov. 2000)

**4-403. Coverage.** The provisions of the Occupational Safety and Health Program for the employees of the Town of Woodbury shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Woodbury whether part-time or full-time, seasonal or permanent. (1977 Code, § 1-1003, as replaced by Ord. #317, Nov. 2000)

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<sup>1</sup>The plan of operation for the occupational safety and health program (as attached to Ord. #317, Nov. 2000) is of record in the office of the city recorder.

**4-404. Standards authorized.** The occupational safety and health standards adopted by the Town of Woodbury 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 (Tennessee Code Annotated Title 50, Chapter 5). (as added by Ord. #317, Nov. 2000)

**4-405. Variances from standards authorized.** The Town of Woodbury may, upon written application to the Commissioner of Labor 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, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, Title 5. Prior to requesting such temporary variance, the Town of Woodbury 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 Town of Woodbury shall be deemed sufficient notice to employees. (as added by Ord. #317, Nov. 2000)

**4-406. Administration.** For the purposes of this chapter, the director of public works and operations 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 a safety plan. 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. (as added by Ord. #317, Nov. 2000)

**4-407. 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. (as added by Ord. #317, Nov. 2000)

## CHAPTER 5

### INFECTIOUS DISEASE CONTROL POLICY

#### SECTION

- 4-501. Purpose.
- 4-502. Coverage.
- 4-503. Administration.
- 4-504. Definitions.
- 4-505. Policy statement.
- 4-506. General guidelines.
- 4-507. Hepatitis B vaccinations.
- 4-508. Reporting potential exposure.
- 4-509. Hepatitis B virus post-exposure management.
- 4-510. Human immunodeficiency virus post-exposure management.
- 4-511. Disability benefits.
- 4-512. Training regular employees.
- 4-513. Training high risk employees.
- 4-514. Training new employees.
- 4-515. Records and reports.
- 4-516. Legal rights of victims of communicable diseases.

**4-501. Purpose.** It is the responsibility of the Town of Woodbury 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 Town of Woodbury, 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). (Ord. #264, Dec. 1995)

**4-502. 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 employee deemed to be at high risk per this policy and an exposure determination. (Ord. #264, Dec. 1995)

**4-503. Administration.** This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the town 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 this 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. (Ord. #264, Dec. 1995)

**4-504. Definitions.** (1) "Body fluids" - 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. (Ord. #264, Dec. 1995)

**4-505. Policy statement.** All blood and other potentially infectious materials are 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. 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. (Ord. #264, Dec. 1995)

**4-506. 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 town 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 to 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 transported soiled linen should always wear 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. (Ord. #264, Dec. 1995)

**4-507. Hepatitis B vaccinations.** The Town of Woodbury shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and 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. (Ord. #264, Dec. 1995)

**4-508. Reporting potential exposure.** Town 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. (Ord. #264, Dec. 1995)

**4-509. 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 (ie., 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. (Ord. #264, Dec. 1995)

**4-510. 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 town to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #264, Dec. 1995)

**4-511. Disability benefits.** Entitlement to disability benefits and any 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. (Ord. #264, Dec. 1995)

**4-512. 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. (Ord. #264, Dec. 1995)

**4-513. 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. (Ord. #264, Dec. 1995)

**4-514. 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. (Ord. #264, Dec. 1995)

**4-515. Records and reports.** (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained 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 town 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. (Ord. #264, Dec. 1995)

**4-516. 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 be 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 town attorney when the incident involves an indictable or juvenile offense.

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

(8) All circumstance, 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 town 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. (Ord. #264, Dec. 1995)

## CHAPTER 6

### CONFINED SPACE PROGRAM

#### SECTION

- 4-601. Purpose.
- 4-602. Coverage.
- 4-603. Administration.
- 4-604. Definitions.
- 4-605. General policy and procedures.
- 4-606. Pre-entry.
- 4-607. Permit system.
- 4-608. Sewer system entry.
- 4-609. Training.
- 4-610. Rescue and emergency.

**4-601. Purpose.** It is the responsibility of the Town of Woodbury to provide the employees a place of employment which is free from recognized hazards that may cause death or serious harm. In providing services to the citizens of the town, employees may be required to enter spaces considered hazardous.

The purpose of this policy is to establish a comprehensive set of procedures and practices to protect employees from the hazards of entry into permit-required confined space. (Ord. #277, June 1997)

**4-602. Coverage.** The policy is intended to protect all workers from toxic, explosive or asphyxiating atmospheres and from possible engulfment from small particles such as liquids, grain, or sawdust. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians.
- (2) Public works employees.
- (3) Water and wastewater workers.
- (4) Any other employee deemed to be at high risk per the permit-required confined space determination. (Ord. #277, June 1997)

**4-603. Administration.** This permit-required space program shall be administered management personnel who shall be responsible for coordinating activities with all town departments and outside contractors where necessary. The administrator shall also be responsible for evaluating the workplace to determine if any spaces are permit-required confined spaces.

There also must be a designated entry supervisor for each confined space work site. The entry supervisor shall be responsible for determining if acceptable entry conditions are present at a permit site where entry is planned,

for authorizing entry and overseeing entry operations, and for terminating entry as required.

Each confined space entry site must also have attendants and authorized entrants. The attendant is an individual stationed outside one or more permit spaces, who monitor the authorized entrant and who performs all attendants duties in the permit space program. The authorized entrant who is authorized to enter a permit space. (Ord. #277, June 1997)

**4-604. Definitions.** (1) "Acceptable entry conditions." The conditions that must exist in a permit space to allow entry and to insure that employees involved can safely enter into and work within the space.

(2) "Confined space." (a) Large enough and so configured that employees can bodily enter and perform assigned work, and

(b) Has limited or restricted means for entry or exit, and

(c) Is not designed for continuous occupancy.

(3) "Engulfment." The surrounding and effective capture of a person by a liquid or finely divided (flowable) solid substance that can be aspirated to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constriction, or crushing.

(4) "Entry." Means the action by which a person passes through an opening into a permit-required confined space. Entry includes ensuing work activities in that space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

(5) "Entry permit." Means the written or printed document that is provided by the employer to allow and control entry into a permit space and that contains the information specified by this standard.

(6) "Hazardous atmosphere." An atmosphere that may expose employees to a risk of death, incapacitation, impairment of ability to self-rescue, injury, or acute illness from one or more of the following:

(a) Flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit (LFL);

(b) Airborne combustible dust at a concentration that meets or exceeds its LFL;

(c) Atmosphere oxygen concentration below 19.5 percent or above 23.5 percent;

(d) Atmosphere concentration of any substance for which a dose or permissible exposure limit;

(e) Any other atmospheric condition that is immediately dangerous to life or health.

(7) "Non-permit confined space." A confined space that does not contain or, or with respect to atmospheric hazards, have the potential to contain any hazard capable of causing death or serious physical harm.

(8) "Permit-required confined space." A confined space that has one or more of the following characteristics:

- (a) Contains or has the potential to contain a hazardous atmosphere;
- (b) Contains a material that has the potential for engulfing an entrant;
- (c) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly covering walls or by a floor which slopes downward and tapers to a smaller cross-section: or
- (d) Contains any other recognized serious safety or health hazard.

(9) "Permit-required confined space program." The employer's overall program for controlling, and, where appropriate, for protecting employees from permit space hazards and for regulating employee entry into permit spaces. (Ord. #277, June 1997)

**4-605. General policy and procedures.** (1) Policy statement. Incompliance with the permit-required confined space entry standard, the town, shall identify all permit-required confined spaces in the workplace, prevent unauthorized entry into them, protect authorized workers from hazards, establish entry procedures, establish appropriate training for authorized entrants, entry supervisors, attendants, and document compliance.

(2) General guidelines. (a) Where permit spaces are located, notice of danger shall be posted where appropriate. Signs reading "DANGER - PERMIT REQUIRED CONFINED SPACE, DO NOT ENTER" will be posted.

(b) It shall be a violation of the Town of Woodbury safety procedures for employees to enter confined space without proper authorization. Violation of this policy shall result in disciplinary action up to and including possible termination.

(c) If the town can demonstrate that the only hazard posed by the permit space is an actual or potential hazardous atmosphere and if it can be demonstrated that continuous forced air ventilation alone is sufficient to maintain the permit space safe for entry and if monitoring and inspection data support such conditions, then entry can be made according to the following requirements:

(i) Any condition making it unsafe to remove an entrance cover shall be eliminated before the cover is removed;

(ii) When entrance covers are removed, the opening shall be promptly guarded by a railing, temporary cover, or other temporary barrier that will protect employees working in the space from foreign objects from entering the space.

(iii) Before an employee enters the space, the internal atmosphere shall be tested, with a calibrated direct reading

instrument for oxygen content, flammable gases and vapors, and potential toxic air contaminations.

(iv) There may be no hazardous atmosphere within the space whenever any employee is inside the space.

(v) Continuous forced air ventilation shall be used and the atmosphere within the space shall be periodically tested as necessary to ensure the continuous forced air ventilation is preventing the accumulation of hazardous atmosphere or the forced air ventilation is so directed as to ventilate the immediate areas where an employee is or will be present within the space and shall continue until all employees have left the space. The forced air ventilation shall be from a clean source and may not increase the hazards in the space.

(vi) The atmosphere within the space shall be periodically tested, as necessary, to ensure that the continuous forced air ventilation is preventing the accumulation of hazardous atmosphere.

(vii) If a hazardous atmosphere is detected during entry, each employee shall leave the space immediately, the space shall be evaluated to determine how the hazardous atmosphere developed; and measures shall be implemented to protect the employees from the hazardous atmosphere before any subsequent entry takes place.

(d) The town shall provide the following equipment, as needed, at no cost to the employees, and shall maintain the equipment properly, and ensure the equipment is used properly:

- (i) Testing and monitoring equipment;
- (ii) Ventilating equipment needed to obtain acceptable entry conditions;
- (iii) Communications equipment needed for compliance;
- (iv) Personal protective equipment;
- (v) Lighting equipment needed to enable employees to see well enough to work safely and to exit the space quickly in an emergency;
- (vi) Barriers and shields;
- (vii) Equipment such as ladders, needed for safe entry and exit;
- (viii) Rescue and emergency equipment;
- (ix) Any other equipment needed for safe entry into and rescue from permit spaces.

(e) The town shall evaluate permit space conditions when entry operations begin by:



(i) Testing conditions in the permit space to determine if acceptable entry conditions exists before an entry is authorized to begin;

(ii) Testing or monitoring the permit space as necessary to determine if acceptable entry conditions are being maintained during the course of entry operations;

(f) When testing for atmospheric hazards, test first for oxygen, then for combustible gases and vapors, and then toxic gases and vapors.

(g) The town shall provide at least one attendant outside the permit space into which entry is authorized for the duration of the entry operations.

(h) When multiple spaces are to be monitored by a single attendant, the appropriate communication equipment shall be available to enable the attendant to respond to an emergency affecting one or more of the permit spaces being monitored without distraction from the attendant's responsibilities.

(i) If at any time there is a questionable action or non-movement by the worker inside, there will be a verbal check made. If there is no response, the worker will be removed immediately. EXCEPTION: If the worker is disabled due to falling or impact, he/she shall not be removed from the confined space unless there is immediate danger to his/her life.

(j) Chest harness with attached life-line shall be used by all workers entering the space with the free end of the line secured outside the entry opening. The attendant (standby worker) shall attempt to remove a disabled worker via his life-line. The attendant is not permitted to enter the workspace to perform rescue.

(k) When practical, confined spaces will be entered through side openings-those with 3 1/2 (1.07m) of the bottom. When entry must be made through a top opening, the safety belt shall be of the approved type that suspends a person upright and an approved hoisting device or similar apparatus shall be available for lifting workers out of the space.

(l) In any situation where the use of the harness equipment may endanger the worker, use of a hoisting device or safety belt and attachment life-line may be disconnected.

(m) When dangerous air contamination is attributable to flammable and/or explosive substance, lighting and electrical equipment shall be Class 1, Division 1 rated per National Electrical Code and no ignition source shall be introduced into the space.

(n) Continuous gas monitoring shall be performed during all confined space operations. If alarm conditions change adversely, entry personnel shall exit the confined space and a new confined space permit issued.

(o) A permit-required space may be reclassified as a non-permit space if:

(i) The permit space poses no potential or actual atmospheric hazards and if all hazards within the space are eliminated;

(ii) If testing and inspection during that entry demonstrates that the hazard within the space has been eliminated, the permit may be reclassified as a non-permit confined space for as long as the hazard remains eliminated.

(p) When there are changes in the use or configuration of a non-permit confined space that might increase the hazard to entrants, the employer shall re-evaluate that space and if necessary reclassify it as a permit-required confined space.

(q) A space classified as a permit-required confined space may be reclassified as a non-permit confined space if the permit required space poses no actual or potential atmospheric hazards and if all hazards within the space eliminated without entry into the space, the permit space may be reclassified as a non-permit confined space as long as the non-atmospheric hazards remain eliminated.

(r) When the town arranges to have employees, of another employer (contractor) perform work that involves permit space entry, the town shall:

(i) Inform the contractor that the workplace contains permit spaces and that permit space entry is allowed only through compliance with permit space entry program;

(ii) Apprise the contractor of the elements, including the hazards identified and the town experience with the space, that make the space in question permit required;

(iii) Apprise the contractor of any precautions or procedures that the host employer has implemented for the protection of employees in or near permit spaces where contractor personnel will be working;

(iv) Coordinate entry operations with contractor when both town employees and contractor personnel will be working in or near permit spaces;

(v) Debrief the contractor at the conclusion of the entry operations regarding the permit space program followed and regarding any hazard confronted or created in permit spaces during entry operations. (Ord. #277, June 1997)

**4-606. Pre-entry.** (1) Policy statement. Before entry is authorized, the supervisor shall document the completion of measures to insure safe permit space entry operations by specifying acceptable entry conditions, isolating the permit space, ventilating the space to eliminate or control atmospheric hazards,

providing barriers as necessary and verifying that conditions in the permit space are acceptable for entry.

(2) General guidelines. (a) Equipment preparation prior to isolation of the equipment requiring an entry is required. Every effort must be made to clean and purge the area of any hazardous contents. This should be done until atmospheric testing indicates levels are below any concentration which could cause physical or health hazard.

(b) Equipment isolation is to be accomplished by utilization of appropriate lock-out/tag-out and line breaking procedures.

(c) Testing before entry for oxygen levels, flammability, and/or any contaminants that might have a potential to be present is required. The test must be performed by qualified personnel using equipment that has been checked for proper functions.

(d) Testing must be done throughout the entire portion of the space that work will occupy during the entry. This testing must be done without the use of a ventilation system. The atmosphere must be tested at various levels, since some gases and vapors are lighter or heavier than air which can result in a layering effect.

(e) The following conditions must be met before the atmosphere is considered safe:

(i) The "LFL" reading between 0 and 10 percent.

(ii) An oxygen level between 19.5 percent and 23.5 percent.

(iii) An airborne combustible dust at a concentration that obscures vision at a distance greater than 5 feet.

(iv) An atmospheric concentration of a substance less than the permissible exposure limit.

(f) Entry into the confined space is prohibited until these conditions are all met, or until special protective measures are provided.

(g) Testing must be performed just prior to commencement of the entry and before re-entry if the workers have left the site for an extended time period (15-20 minutes). (Ord. #277, June 1997)

**4-607. Permit system.** (1) Policy statement. Before entry into a confined space is authorized, an entry form must be completed, documenting compliance with the standard and authorizing entry into the space. The entry permit shall identify the space; the purpose of entry; the date and duration of entry; authorized entrants; attendants; entry supervisor; the hazards of the permit space and measures too isolate/eliminate the hazards. The permit shall also contain the results of initial and periodic tests accompanied by the names of the testers.

The permit shall also contain the rescue and emergency services that can be summoned and the means for summoning, in addition to a list of personal protective and communication equipment.

(2) General guidelines. (a) Before entry is authorized, the town must document the completion of an entry permit. Before entry begins, the entry supervisor identified on the permit must sign the entry permit to authorize entry.

(b) The complete permit shall be made available at the time of entry, to all authorized entrants, by posting it at the entry portal.

(c) The duration of the permit may not exceed the time required to complete the assigned task or job identified on the permit.

(d) The entry supervisor shall terminate or cancel the permit when:

(i) The entry operations covered by the permit have been completed; or

(ii) A condition that is not allowed under the permit arises in or near the permit space. (Ord. #277, June 1997)

**4-608. Sewer system entry.** (1) Policy statement. Though sewer entry differs from other permit entries, because of the difficulty in completely isolating the space, the provision of the standard continues to apply.

(2) General guidelines. (a) Only employees who are thoroughly trained in the town sewer entry procedures can be named entrants.

(b) Entrants must be trained in the use of atmospheric monitoring equipment.

(c) The confined space administrator shall develop and maintain liaison with local weather bureau and fire and emergency services so that sewer work can be delayed or interrupted whenever sewer lines might be flooded by rain or fire suppression activities, or when flammable or other hazardous materials are released into sewers during emergencies by industrial or transportation accidents.

(d) Because conditions are subject to change, employees who enter sewer systems must conduct continuous atmospheric monitoring of the space at the employee's work location. (Ord. #277, June 1997)

**4-609. Training.** (1) Policy statement. All employees of the town, who may encounter confined spaces in the course of their work, must be made aware of the appropriate procedures and controls for entry and that unauthorized entry into such spaces is forbidden. They must be made to realize that an unauthorized entry could be fatal; and that their senses may be unable to detect and evaluate the severity of atmospheric hazards.

(2) General guidelines. (a) The town shall provide training so that all employees acquire the understanding, knowledge and skills necessary for the safe performance of the duties assigned them. Training shall contain hazard recognition, use of personal protective equipment, self rescue techniques, any special work practices or procedures needed to perform

work in the confined space safely, lock-out/tag-out procedures for equipment and use of atmospheric equipment.

(b) Training shall be provided to each effected employee before the employee is first assigned duties under this policy; before there is a change in assigned duties; whenever there is a change in permit space operations that present a hazard about which an employee has not been previously trained and whenever the town has reason to believe either that there are deviations from the permit space entry procedures or that there are inadequacies in the employee's knowledge or use of the procedures.

(c) Training shall establish employee proficiency in the duties required and shall introduce new and revised procedures as necessary for compliance with the program.

(d) The town will certify that the training has been accomplished. The certification shall contain each employee's name, the signature or initials of the trainers, and dates of training. The certification shall be available for inspection by employees and their authorized representatives.

(e) Any employee required or permitted to pre-check or enter an enclosed/confined space shall have successfully completed, as a minimum, the training as required by this section of the procedures.

(f) Employees shall not perform any entry space tasks until the employee has been certified as posing the appropriate skills.

(i) Authorized entrants must be trained to recognize confined space hazards, including the information on the mode of exposure, signs or symptoms, and consequences of exposure, proper use of personal protective equipment, use of communication equipment, and procedures for exiting a permit space.

(ii) Attendants must be trained to remain outside permit spaces during operations; perform non-entry rescues; recognize exiting and potential hazards; use of communication devices; when to order evacuation of a permit space; and when to summon rescue and other emergency services.

(iii) Entry supervisor must be trained to recognize space hazards; verification of emergency plans, testing, permits, procedures and equipment; when to terminate entry and when to cancel permits. (Ord. #277, June 1997)

**4-610. Rescue and emergency.** (1) Policy statement. It is the responsibility of the town to ensure that rescue services personnel are provided with and trained in the proper use of personal protective and rescue equipment, first aid and CPR.

(2) General guidelines. (a) In the event of emergency or situation requiring emergency medical attention, the town will utilize the emergency services of:

- (i) City police department.
- (ii) City fire department.
- (iii) County ambulance service.
- (iv) County sheriff's department.

(b) The designated attendant shall be the individual responsible for monitoring activities inside and outside the confined space and summoning emergency and rescue services. If necessary, the attendant shall perform non-entry rescue as appropriate.

(c) Each member of the rescue and emergency services shall be trained to use properly, the personal protective equipment and rescue equipment necessary for making rescues from permit spaces.

(d) Each member must be trained in basic first aid and in CPR.

(e) Each member of the rescue service shall practice making permit space rescue at least once every 12 months, by means of simulated rescue operations in which they remove dummies, manikins or actual persons from the actual permit spaces or from representative permit space. Each member must be trained in basic first aid and in CPR. At least one member of the rescue service holding current certification in first aid and in CPR shall be available.

(f) When retrieving injured or unconscious worker, members of the rescue unit shall use a chest or full body harness, with retrieval lines attached at the center of the entrants back. The other end of the retrieval line shall be attached at the mechanical device in such a manner that the rescue can begin as soon as the rescuer becomes aware.

(g) A mechanical retrieval device shall be available to retrieve personnel from vertical type permit spaces more than 5 feet deep.

(h) Material Safety Data Sheets (MSDS) maintained by the town shall be made available to medical facilities treating entrants exposed to hazardous material. (Ord. #277, June 1997)

## CHAPTER 7

### **TRAVEL REIMBURSEMENT**

#### **SECTION**

- 4-701. Purpose.
- 4-702. Enforcement.
- 4-703. Travel policy.
- 4-704. Travel reimbursement rate schedules.
- 4-705. Administrative procedures.

**4-701. Purpose.** The purpose of this chapter and referenced regulations is to bring the town into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (as added by Ord. #288, § 1, June 1998)

**4-702. Enforcement.** The board of mayor and aldermen, or other person or body designated by the board shall be responsible for the enforcement of these travel regulations. (as added by Ord. #288, § 1, June 1998)

**4-703. Travel policy.** (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

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

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

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

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

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

(b) actual, reasonable, and necessary under the circumstances.

The board may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement (as added by Ord. #288, § 1, June 1998)

**4-704. Travel reimbursement rate schedules.** Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates.

The town's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (as added by Ord. #288, § 1, June 1998)

**4-705. Administrative procedures.** The town adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the town recorder. (as added by Ord. #288, § 1, June 1998)



## CHAPTER 8

### GRIEVANCE POLICY

#### SECTION

- 4-801. Purpose.
- 4-802. Requests for accommodation.
- 4-803. Duty of employee to inform supervisors of grievance.
- 4-804. Employee rights in grievance process.
- 4-805. Records.
- 4-806. Right to contact elected officials.

**4-801. Purpose.** The purpose of this policy is to set forth the principles of the Town of Woodbury for employees who may feel that they have been treated unfairly and to prescribe uniform procedures for the individual employee to have his/her grievance hear. (as added by Ord. #319, Feb. 2001)

**4-802. Requests for accommodation.** When a request for an accommodation is denied, a disabled employee may also file a grievance in accordance with this policy or the grievance procedures adopted pursuant to ADA. Employees will be treated fairly in all respects. Those who feel they have been subjected to unfair treatment have the right to present their grievance to the proper person for prompt consideration and a fair decision. (as added by Ord. #319, Feb. 2001)

**4-803. Duty of employee to inform supervisors of grievance.** Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction. Once this is done, the following steps are to be taken:

(1) If any employee has a grievance concerning any aspect of their employment, the employee should first discuss that grievance with their immediate supervisor.

(2) If the employee is not satisfied with the results of the immediate supervisor's actions, then the next step should be to present the grievance in writing to their department head.

(3) If the employee is still not satisfied with the actions taken by any of the persons here before mentioned, then the employee shall be entitled to a hearing before the mayor. At such hearing, the mayor shall have the written record of the grievance and findings of supervisors and department heads, and may require the attendance of anyone whom he deems necessary.

(4) If the employee is not satisfied with the actions taken at that meeting, then the final step in the appeal process shall be a hearing before the mayor and board of aldermen. The decision of the mayor and board of aldermen shall be final. (as added by Ord. #319, Feb. 2001)

**4-804. Employee rights in grievance process.** An employee with a grievance shall be notified in writing of the right to:

- (1) A grievance or appeals hearing as specified in this policy;
- (2) Receive written notification of the reason for the action that led to the grievance;
- (3) Be represented at all stages of the grievance proceedings by legal counsel retained at the employee's expense;
- (4) Present witnesses in his/her own behalf and cross-examine witnesses in support of the city's action;
- (5) Examine and copy all documents that will be used by the municipality as justification for its actions; and
- (6) Be free from threats, coercion, intimidation, or discrimination from other employees because he/she has made complaints, testified, or assisted in any manner in the above-stated grievance and appeals procedures. (as added by Ord. #319, Feb. 2001)

**4-805. Records.** Records shall be made of all proceedings pertaining to the grievance actions, and these records shall be maintained in the city's permanent file by the recorder's office. (as added by Ord. #319, Feb. 2001)

**4-806. Right to contact elected officials.** It is not the intent of these policies and procedures to restrict in any way the employee's right to contact an elected official. (as added by Ord. #319, Feb. 2001)

## CHAPTER 9

### SEXUAL HARASSMENT PROHIBITED

#### SECTION

4-901. Purpose.

4-902. Sexual harassment defined.

4-903. Initiating a sexual harassment complaint.

4-904. The complaint.

4-905. Investigating and reporting sexual harassment complaints.

**4-901. Purpose.** The city may be held liable for the actions of all employees. The city will take immediate and positive steps to stop such harassment when and if it occurs. The city may be responsible for acts of sexual harassment in the work place when the city (or its agents or supervisory employees) know or should have known of the conduct, unless it can be shown that the city took immediate and appropriate corrective action. The municipality may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the municipal government (or its agents or supervisory employees) know or should have known of the conduct and failed to take immediate and appropriate action.

This policy applies to all officers and employees of the Town of Woodbury, including but not limited to full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personal rules or regulations of the city, and employees working under contract for the town. The following rules shall be strictly enforced. (as added by Ord. #319, Feb. 2001)

**4-902. Sexual harassment defined.** The following actions constitute an unlawful employment practice and are absolutely prohibited by the city when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance. They are:

- (1) Sexual harassment or unwelcome sexual advances;
- (2) Request for sexual favors;
- (3) Verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
- (4) Explicit or implied job threats or promises in return for submission to sexual favors;
- (5) Inappropriate sex-oriented comments on appearance;
- (6) Embarrassing sex-oriented stories;
- (7) Displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or
- (8) Sexual assault on the job by supervisors, fellow employees, or, on occasion, non-employees.

Sexual harassment include conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women. (as added by Ord. #319, Feb. 2001)

**4-903. Initiating a sexual harassment complaint.** An employee who feels he/she is subjected to sexual harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (1) The employee's immediate supervisor,
- (2) The employee's department head,
- (3) A city council member,
- (4) The city recorder, or
- (5) The mayor. (as added by Ord. #319, Feb. 2001)

**4-904. The complaint.** Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about sexual harassment. The employee should be prepared to provide the following information:

- (1) His/her name, department, and position title;
- (2) The name of the person or people committing the sexual harassment, including their title(s), if known;
- (3) The specific nature of the sexual harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.
- (4) Witnesses to the harassment; and
- (5) Whether the employee has previously reported the harassment, and, if so, when and to whom. (as added by Ord. #319, Feb. 2001)

**4-905. Investigating and reporting sexual harassment complaints.**

(1) Investigating. The mayor is the person the city designates as the investigator or sexual harassment complaints against employees. In the event the sexual harassment complaint is against the mayor, the investigator shall be a municipal employee appointed by the board of aldermen.

(2) Reporting. When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall:

- (a) Immediately prepare a report of the complaint according to the preceding section and submit it to the department head.
- (b) Make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:
  - (i) Verbal responses made to the investigator by the person complaining of sexual harassment,
  - (ii) Witnesses interviewed during the investigation,

- (iii) The person against whom the complaint of sexual harassment was made, and
  - (iv) Any other person contacted by the investigator in connection with the investigation.
- (3) Findings. Within 5 days of receiving the complaint, prepare and present the findings to the mayor in a report, which will include:
  - (a) The written statement of the person complaining of sexual harassment,
  - (b) The written statements of witnesses,
  - (c) The written statement of the person against whom the complaint of sexual harassment was made, and
  - (d) All the investigator's notes connected to the investigation.
- (4) Action of complaints of sexual harassment. Upon receiving an investigation report of sexual harassment complaint, the mayor shall immediately review the report. If the mayor determines that the report is not complete in some respect, he/she may question the person complaining of sexual harassment, the person against whom the complaint has been made, witnesses to the conduct in question or any other person who may have knowledge about the harassment.

Based upon the report and his/her own investigation (where a separate investigation is made), the mayor shall, within a reasonable time, determine whether the conduct in question constitutes sexual harassment. In making that determination the mayor shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. Whether sexual harassment took place will be determined on a case-by-case basis.

If the mayor determines that the harassment complaint is founded, he/she shall take immediate and appropriate disciplinary action against the person committing the offense, consistent with his/her authority under the municipal charter, ordinances, resolutions, or rules governing his/her authority to discipline employees. If the mayor feels that the harassment warrants disciplinary action stronger than he/she is authorized to impose by the charter, ordinances, resolutions, or rules governing employee discipline, he/she shall make that determination known, along with the report of the investigation, to the Board of Aldermen of Woodbury. If the governing body determines that the sexual harassment complaint is founded, it may discipline the employee consistent with its authority under the municipal charter, ordinances, resolutions, or rules governing employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense, the employee's rank, and any other factors the board of aldermen believes relate to fair and efficient administration of the town. This includes, but is not limited to the effect of the offense on employee morale, public perception of the offense, and the light in which it casts on the town. The disciplinary action may include demotion, suspension, dismissal, warning, or

reprimand. Determining the level of disciplinary action shall also be made on a case-by-case basis. A written record shall be kept of disciplinary actions, including verbal reprimands.

In all events, an employee found to have committed sexual harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation.

In cases where sexual harassment is committed by a non-employee against a city employee in the workplace, the mayor shall take whatever lawful action necessary against the non-employee to bring the sexual harassment to an end.

(5) Obligation of employees. Employees are not only encouraged to report instances of sexual harassment, they are obligated to report them. Employees are also obligated to cooperate in every harassment investigation. The obligation includes but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

Disciplinary action may be taken against employees who fail to report instances of sexual harassment, fail or refuse to cooperate in the sexual harassment investigation, or file a complaint of sexual harassment in bad faith. (as added by Ord. #319, Feb. 2001)

## CHAPTER 10

### DRUG AND ALCOHOL TESTING POLICY

#### SECTION

- 4-1001. Purpose.
- 4-1002. Scope.
- 4-1003. Consent form.
- 4-1004. Compliance with substance abuse policy.
- 4-1005. General rules.
- 4-1006. Drug testing.
- 4-1007. Alcohol testing.
- 4-1008. Education and training.
- 4-1009. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result.
- 4-1010. Voluntary disclosure or drug and/or alcohol use.
- 4-1011. Exceptions.
- 4-1012. Modification of policy.
- 4-1013. Definitions.

**4-1001. Purpose.** The Town of Woodbury recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the Town of Woodbury to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the Town of Woodbury are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the Town of Woodbury has adopted this drug and alcohol testing policy effective March 5, 2002. This policy complies with the: Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); division of transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests which may be required are:

pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

It is the policy of the Town of Woodbury that the use of drugs by its employees and impairment in the workforce due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

(1) Being on duty or performing work in or in city/town property while under the influence of drugs and/or alcohol;

(2) Engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty or while in or on city/town property;

(3) Refusing or failing a drug and/or alcohol test administered under this policy;

(4) Providing an adulterated, altered, or substituted specimen for testing;

(5) Use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and

(6) Use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the city/town shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the city's/town's policy regarding drugs and/or alcohol; and the availability of counseling. The personnel director has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All Town of Woodbury property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. (as replaced by Ord. #328, March 2002)

**4-1002. Scope.** Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the Town of Woodbury. The policy also implies to applicants for positions requiring a CDL and other safety



sensitive positions who have been given a conditional offer of employment from the Town of Woodbury. (as added by Ord. #328, March 2002)

**4-1003. Consent form.** Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), (personnel director, etc.), or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's/town's drug and alcohol testing policy.

The consent form shall set forth the following information:

(1) The procedure for confirming and verifying an initial positive test result;

(2) The consequences of a verified positive test result; and

(3) The consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system. (as added by Ord. #328, March 2002)

**4-1004. Compliance with substance abuse policy.** Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination. (as added by Ord. #328, March 2002)

**4-1005. General rules.** These are the general rules governing the Town of Woodbury's drug and alcohol testing program:

(1) City/town employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.

(2) City/town employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on city/town property.

(3) All Town of Woodbury property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Town of Woodbury property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

(4) Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure

to so inform the city subjects the employee to disciplinary action up to and including termination for the first offense. The city will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act. (as added by Ord. #328, March 2002)

**4-1006. Drug testing.** An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six separate conditions:

(1) Types of tests. (a) Pre-employment. All applicants for employee status for positions requiring a CDL, who have received a conditional offer of employment with the Town of Woodbury, must take a drug test before receiving a final offer of employment.

(b) Transfer. Employees transferring to another position within the city/town that requires a commercial driver's license (CDL) shall undergo drug testing.

(c) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the Town of Woodbury to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible drug use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out within 32 hours following the accident (incident). (Note - DOT regulations allow up to 32 hours for drug tests. A lesser time provision is optional.) Urine collection for post-accident (post-incident) testing shall be monitored or observed by same-gender collection personnel at the established collection site(s).

In instances where post-accident (post-incident) testing is to be performed, the Town of Woodbury reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

(i) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Woodbury to the designated urine specimen collection site within 32 hours following the accident. (Note - DOT regulations allow up to 32 hours for drug tests. A lesser time provision is optional). In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within 32 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the Town of Woodbury and shall result in administrative action up to and including termination of employment.

(ii) Post-accident (post-incident) testing for injured employees. An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the Town of Woodbury appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Town of Woodbury or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously-injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.

(d) Testing based on reasonable suspicion. A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the Town of Woodbury making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the (personnel director) within 24 hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by same-gender collection personnel.

(e) Random testing. Only employees of the Town of Woodbury possessing or wishing to obtain a commercial driver's license (CDL) are subject to random urine drug testing. It is the policy of the Town of Woodbury to annually random test for drugs, at least 50 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while other may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the Town of Woodbury may omit that employee from that random testing or await the employee's return to work.

(f) Return-to-duty and follow-up. Any employee of the Town of Woodbury who has violated the prohibited drug conduct standards and is allowed to return to work, must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee possessing a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

(2) Prohibited drugs. All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the (personnel director). The following is a list of drugs for which tests will be routinely conducted (see Appendix A for cutoff levels):<sup>1</sup>

- (a) Amphetamines,
- (b) Marijuana,
- (c) Cocaine,
- (d) Opiates,
- (e) Phencyclidine (PCP),
- (f) Alcohol, and
- (g) Depressants.

The city/town may test for any additional substances listed under the Tennessee Drug Control Act of 1989.

(3) Drug testing collection procedures. Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the Town of Woodbury to a drug test collection facility selected by the Town of Woodbury (see Appendix B),<sup>1</sup> where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the Town of Woodbury to perform the analysis on collected urine samples.

(4) Drug testing laboratory standards and procedures. All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS) (see Appendix C).<sup>1</sup>

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to the (testing site) within 32 hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a

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<sup>1</sup>Appendices to this chapter can be found at the end of this municipal code under the Appendix tab as Appendix 1.

laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the (personnel director).

(5) **Reporting and reviewing.** The Town of Woodbury shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders (see Appendix C).<sup>1</sup>

(a) The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the Town of Woodbury.

(b) Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.

(c) The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the (personnel director), and the employee.

(d) Neither the Town of Woodbury, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the city attorney. (as added by Ord. #328, March 2002)

**4-1007. Alcohol testing.** An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions:

(1) **Types of tests.** (a) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel

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<sup>1</sup>Appendices to this chapter can be found at the end of this municipal code under the Appendix tab as Appendix 1.

of the Town of Woodbury to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out within two hours following the accident (incident).

(i) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Woodbury to the designated breath alcohol test site for a breath alcohol test within two hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within two hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the Town of Woodbury and shall result in administrative action up to and including termination of employment.

(ii) Post-accident (post-incident) testing for injured employees. An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the Town of Woodbury, appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Town of Woodbury, or upon hiring following the implementation date.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two hours must be fully documented by the attending medical personnel.

(b) Testing based on reasonable suspicion. An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the Town of Woodbury making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the (personnel director) within eight hours of the decision to test and before the results of the tests are received by the department.

(c) Random testing. Only employees of the Town of Woodbury possessing or wishing to obtain a commercial driver's license (CDL) are subject to random alcohol testing. It is the policy of the Town of Woodbury to annually random test for alcohol at least 25 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the Town of Woodbury may omit that employee from that random testing or await the employee's return to work.

(d) Return-to-duty and follow-up. Any employee of the Town of Woodbury who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be



unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee with a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

(2) Alcohol testing procedures. All breath alcohol testing conducted for the Town of Woodbury shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). (Note - A city's/town's own public safety department cannot do this testing unless the test is required because of a traffic accident (incident).)

Alcohol testing is to be performed by a qualified technician as follows:

(a) Step One:

An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

(b) Step Two:

Fifteen minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test of Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the Town of Woodbury up to and including termination of employment.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL

of less than 0.02 percent before returning to duty with the Town of Woodbury.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the Town of Woodbury, when possible.

The completed breath alcohol test form shall be submitted to the (personnel director). (as added by Ord. #328, March 2002)

**4-1008. Education and training.** (1) Supervisory personnel who will determine reasonable suspicion testing. Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

The Town of Woodbury will sponsor a drug-free awareness program for all employees.

(2) Distribution of information. The minimal distribution of information for all employees will include the display and distribution of:

(a) Informational material on the effects of drug and alcohol abuse;

(b) An existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;

(c) The Town of Woodbury's policy regarding the use of prohibited drugs and/or alcohol; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace. (as added by Ord. #328, March 2002)

**4-1009. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result.** Job applicants will be denied employment with the Town of Woodbury if their initial positive pre-employment drug test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. The city may consider the following factors in determining the appropriate disciplinary response: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the city/town reserves the right to allow employees to participate in an education and/or treatment program approved by the city/town employee assistance program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by

the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the city's/town's employee assistance program or other program sanctioned by the city/town, and thereafter refrain from violating the city's/town's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of city/town personnel policy and regulations, nor will it relieve the employee of any requirements for return to duty testing.

Refusing to submit to an alcohol or controlled substances test means that a driver:

(1) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;

(2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or

(3) Engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician shall provide a written statement to the city/town indicating a refusal to test. (as added by Ord. #328, March 2002)

**4-1010. Voluntary disclosure of drug and alcohol use.** In the event that an employee of the Town of Woodbury is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by The Town of Woodbury. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the Town of Woodbury may be allowed up to 30 consecutive calendar days for initial substance abuse treatment as follows:

(1) The employee must use all vacation, sick, and compensatory time available.

(2) In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise become subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the Town of Woodbury. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and (personnel director) of the Town of Woodbury will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the Town of Woodbury. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy. (as added by Ord. #328, March 2002)

**4-1011. Exceptions.** This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol. (as added by Ord. #328, March 2002)

**4-1012. Modification of policy.** This statement of policy may be revised by the Town of Woodbury at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the Town of Woodbury. (as added by Ord. #328, March 2002)

**4-1013. Definitions.** For purposes of the drug and alcohol testing policy, the following definitions are adopted:

(1) "Alcohol." The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

(2) "Alcohol concentration." The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

(3) "Alcohol use." The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

(4) "Applicant." Any person who has on file an application for employment or any person who is otherwise being considered for employment

or transfer to the police department, fire department, or to a position requiring a commercial driver's license (CDL) being processed for employment. For the purposes of this policy, an applicant may also be: a uniformed employee who has applied for and is offered a promotion or who has been selected for a special assignment; a non-uniformed employee who is offered a position as a uniformed employee; or an employee transferring to or applying for a position requiring a CDL.

(5) "Breath alcohol technician (BAT)." An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

(6) "Chain of custody." The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

(7) "Collection site." A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

(8) "Collection site personnel." A person who instructs donors at the collection site.

(9) "Commercial driver's license (CDL)." A motor vehicle driver's license required to operate a commercial motor vehicle (CMV).

(10) "Commercial motor vehicle (CMV)." Any vehicle or combination of vehicles meeting the following criteria: weighing more than 26,000 pounds; designed to transport more than 15 passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

(11) "Confirmation test." In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater that provides quantitative date of alcohol concentration.

(12) "Confirmed positive result." The presence of an illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

(13) "Consortium." An entity, including a group or association of employers or contractors, which provides alcohol or controlled substances testing as required by this part of other DOT alcohol or drug testing rules and that acts on behalf of the employers.

(14) "Department director." The director or chief of a city department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

(15) "DHHS." The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

(16) "DOT agency." An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the Town of Woodbury, the Federal Highway Administration (FHWA) is the DOT agency.

(17) "Driver." Any person who operates a commercial motor vehicle.

(18) "EAP." Employee Assistance Program.

(19) "Employee." An individual currently employed by the Town of Woodbury.

(20) "Evidential breath testing device (EBT)." An instrument approved by the National Highway Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."

(21) "FHWA." Federal Highway Administration.

(22) "Initial test." In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

(23) "Medical review officer (MRO)." A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

(24) "Negative result." The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.

(25) "NHTSA." National Highway and Traffic Safety Administration.

(26) "Refuse to submit." Refusing to submit to an alcohol or controlled substances test means that a driver:

(a) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;

(b) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or

(c) Engages in conduct that clearly obstructs the testing process.

(27) "Safety-sensitive drivers." Employees in the aviation, motor carrier, railroad, and mass transit industries.

(28) "Split specimen." Urine drug test sample will be divided into two parts. One part will be tested initially, the other will remain sealed in case a retest is required or requested.

(29) "Substance abuse professional." A licensed physician (medical doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. (as added by Ord. #328, March 2002)

## CHAPTER 11

### RESPIRATORY PROTECTION PROGRAM

#### SECTION

4-1101. Purpose.

4-1102. Scope.

4-1103. Responsibility.

4-1104. Procedures.

4-1105. Training and education.

**4-1101. Purpose.** The Federal Occupational Safety and Health Administration (OSHA) 29 CFR 1910.134 requires employers to have a written respiratory protection program. The purpose of this program is to ensure the protection of all employees from respiratory hazards caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays or vapors. (as added by Ord. #327, Nov. 2001)

**4-1102. Scope.** This program covers all employees involved with the purchase, installation, operation and maintenance of respirator equipment and related material. (as added by Ord. #327, Nov. 2001)

**4-1103. Responsibility.** Department heads are responsible for implementing this program with their department. The city's safety director will be available to assist in the assessment of respiratory hazards and types of respirators applicable to the existing hazards. The safety director will be responsible for training and records of personnel required to use respiratory protection. (as added by Ord. #327, Nov. 2001)

**4-1104. Procedures.** The following procedures and controls will be implemented and maintained in each department, which require the use of a respirator:

(1) Engineering controls will be used as far as feasible to prevent air contamination.

(2) When engineering controls are not feasible, appropriate respirators shall be used pursuant to the following requirements:

(a) Respirators applicable and suitable for the purpose intended shall be provided by the City of Woodbury.

(b) Employees shall be instructed and trained in the proper use and limitations of respirators.

(c) Respirators shall be selected on the basis of hazards to which workers are exposed.

(d) Employees will use the provided respirator protection in accordance with instructions and training received.



(e) Respirators shall be stored in a convenient, clean and sanitary location.

(f) All respirators shall be inspected, cleaned and disinfected monthly. If respirators are worn by more than one worker they shall be cleaned and disinfected after each use. [See Appendix B, Respirator inspection and maintenance].<sup>1</sup>

(g) Selection of respirators shall meet the guidelines of the American National Standard Institute (ANSI) Z88-1969.

(h) Compressed air shall be of high purity. Compressed oxygen, liquid air and liquid oxygen are not authorized for use by employees except under direct supervision of their department manager and approval by the safety director.

(i) Respirators will be used at all times in areas determined to contain atmospheric conditions that require respirator protection. [See Appendix A, Hazard Assessment].<sup>1</sup>

(j) Chlorine atmosphere requires the use of a self contained breathing apparatus (SCBA). Only licensed water plant operators are authorized to use SCBA, and they will always work with a minimum of two persons with SCBA.

(k) Employees in routine work areas such as spray paint rooms will use respirators as conditions exist for their use.

(3) Each department will make a hazard assessment to identify hazards or potential hazards employees may encounter. [See Appendix A, Hazard Assessment].<sup>1</sup> (as added by Ord. #327, Nov. 2001)

**4-1105. Training and education.** Employees who are required to use respirators shall be trained in at least the following:

(1) Nature of hazards or potential hazards they face.

(2) Possible consequences that may occur if exposed to the hazard without protection.

(3) The capability and limitations of respirators.

(4) Discussion of parts of the respirator and the function and possible malfunction.

(5) Discussion of users, responsibility for inspection, maintenance and cleaning.

(6) Instruction of proper storage, cleaning, and maintenance of respirators.

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<sup>1</sup>Appendices to this chapter can be found at the end of this municipal code under the Appendix tab as Appendix 2.

- (7) Methods to assure a proper fit and function.
- (8) A respirator will be available to users during training for inspection, donning and fit testing.
- (9) A record of employee's names, dates and types of initial training and subsequent refresher training shall be maintained. (as added by Ord. #327, Nov. 2001)

## TITLE 5

### MUNICIPAL FINANCE AND TAXATION<sup>1</sup>

#### CHAPTER

1. REAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. PERSONAL PROPERTY TAX.

#### CHAPTER 1

#### REAL PROPERTY TAXES

#### SECTION

5-101. When due and payable, delinquent, etc.

**5-101. When due and payable,<sup>2</sup> delinquent,<sup>3</sup> etc.** Taxes levied by the town against real property shall become due and payable, delinquent, and subject to penalty and interest in accordance with the provisions of § 21 of the town's charter. (1977 Code, § 6-101)

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<sup>1</sup>Charter reference: §§ 19-24.

<sup>2</sup>State law references

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

<sup>3</sup>Charter and state law reference

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

## CHAPTER 2

### PRIVILEGE TAXES

#### SECTION

5-201. Tax levied.

5-202. License required.

**5-201. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the act. (1977 Code, § 6-201)

**5-202. License required.** No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1977 Code, § 6-202)

## CHAPTER 3

### PERSONAL PROPERTY TAX

#### SECTION

5-301. Removal of personal property tax from residents of the town who pay a business tax.

**5-301. Removal of personal property tax from residents of the town who pay a business tax.** Pursuant to Tennessee Code Annotated, § 67-5167, the Assessor of Property for Cannon County, and the Town of Woodbury, Tennessee is permitted to presume that personal property owned and used by a business subject to business tax has no value. (Ord. #204, \_\_\_\_\_)

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

1. POLICE AND ARREST.
2. WORKHOUSE.

**CHAPTER 1****POLICE AND ARREST<sup>1</sup>****SECTION**

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.

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

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

**6-103. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1977 Code, § 1-403)

**6-104. When policemen to make arrests<sup>1</sup>.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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<sup>1</sup>Municipal code reference

Traffic citations, etc.: title 15, chapter 7.

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1977 Code, § 1-404)

**6-105. Policemen may require assistance.** It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary. (1977 Code, § 1-405)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the town judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1977 Code, § 1-406)

**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 policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1977 Code, § 1-407)

## CHAPTER 2

### WORKHOUSE

#### SECTION

6-201. County jail to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

**6-201. County jail to be used.** The county jail is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1977 Code, § 1-601)

**6-202. Inmates to be worked.** All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1977 Code, § 1-602)

**6-203. Compensation of inmates.** Each workhouse inmate may be allowed credit toward payment of the fines assessed against him as determined by the city judge.<sup>1</sup> (1977 Code, § 1-603, modified)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 40-24-104.



## **TITLE 7**

### **FIRE PROTECTION AND FIREWORKS<sup>1</sup>**

#### **CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.

#### **CHAPTER 1**

#### **FIRE DISTRICT**

#### **SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be and include all those areas of the town zoned for commercial uses. (1977 Code, § 7-101)

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<sup>1</sup>Municipal code reference  
Building, utility and housing codes: title 12.

## CHAPTER 2

### FIRE CODE<sup>1</sup>

#### SECTION

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

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,<sup>2</sup> 1994 edition with 1995 revisions, as recommended by the Southern Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1977 Code, § 7-201, modified)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1977 Code, § 7-202)

**7-203. Definition of "municipality."** Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Woodbury, Tennessee. (1977 Code, § 7-203)

**7-204. Storage of explosives, flammable liquids, etc.** The limits referred to in § 1901.4.2 of the fire prevention 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.

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 906.1 of the fire prevention code, in which new bulk plants for 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 § 1701.4.2 of the 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. (1977 Code, § 7-204)

**7-205. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central commercial district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1977 Code, § 7-205)

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

**7-207. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, 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 town code shall not be held to prevent the enforced removal of prohibited conditions. (1977 Code, § 7-207)

## CHAPTER 3

### **FIRE DEPARTMENT<sup>1</sup>**

#### **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. Chief responsible for training and maintenance.
- 7-307. Chief to be assistant to state officer.

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the mayor shall appoint. (1977 Code, § 7-301)

**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. (1977 Code, § 7-302)

**7-303. Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1977 Code, § 7-303)

**7-304. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters

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<sup>1</sup>Municipal code reference

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

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1977 Code, § 7-304)

**7-305. Tenure and compensation of members.** The chief and all other members of the fire department shall serve so long as their conduct and efficiency are satisfactory to the mayor. However, so that adequate discipline may be maintained, the 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.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1977 Code, § 7-305)

**7-306. Chief responsible for training and maintenance.** The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1977 Code, § 7-306)

**7-307. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department 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. (1977 Code, § 7-308)

## CHAPTER 4

### FIRE SERVICE OUTSIDE TOWN 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 beyond a 5 mile radius of the corporate limits, unless expressly authorized in writing by the board of mayor and aldermen. (1977 Code, § 7-307, modified)

**TITLE 8****ALCOHOLIC BEVERAGES**<sup>1</sup>**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

**CHAPTER 1****INTOXICATING LIQUORS****SECTION**

8-101. Prohibited generally.

**8-101. Prohibited generally.** Except as authorized by applicable laws<sup>2</sup> and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the Town of Woodbury. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1977 Code, § 2-101)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference  
Tennessee Code Annotated, title 39, chapter 17.

## CHAPTER 2

### **BEER**<sup>1</sup>

#### **SECTION**

8-201. Business prohibited.

**8-201. Business prohibited.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or to manufacture beer within the corporate limits of the Town of Woodbury. (1977 Code, § 2-201)

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<sup>1</sup>State law reference

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



**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.**<sup>1</sup>**CHAPTER**

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

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

9-101. "Going out of business" sales.

**9-101. "Going out of business" sales.** It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1977 Code, § 5-101)

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

## CHAPTER 2

### PEDDLERS, ETC.<sup>1</sup>

#### SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.
- 9-214. Peddling on town square prohibited.

**9-201. Permit required.** It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1977 Code, § 5-201)

**9-202. 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. (1977 Code, § 5-202)

**9-203. Application for permit.** Applicants for a permit under this chapter must file with the 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.

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

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

**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 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 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 recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The recorder shall keep a permanent record of all permits issued. (1977 Code, § 5-204)

**9-205. Appeal.** Any person aggrieved by the action of the chief of police and/or the 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. (1977 Code, § 5-205)

**9-206. Bond.** Every permittee shall file with the recorder a surety bond running to the town 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 the town 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 town 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 town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1977 Code, § 5-206)

**9-207. 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 town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1977 Code, § 5-207)

**9-208. Use of streets.** No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where 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. (1977 Code, § 5-208)

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

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

**9-211. 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 recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

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

**9-212. 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. (1977 Code, § 5-212)

**9-213. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1977 Code, § 5-213)

**9-214. Peddling on town square prohibited.** No person shall peddle from any vehicle or in any other manner on the public square of the town. (1977 Code, § 5-214)

## 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.
- 9-305. Roadblocks.

**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 recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1977 Code, § 5-301)

**9-302. Prerequisites for a permit.** The permit required by § 9-301 shall be approved and issued by the Board of Mayor and Aldermen of the Town of Woodbury upon written application filed with the Clerk at City Hall, which application shall include the name, address, and social security number of the applicant if the applicant is an individual and if the applicant is a firm, corporation, association or other organization in addition to the name and address of the firm, corporation, association or other organization, the application shall include the name, address, and title of the chief executive officer. (Ord. #256, Jan. 1995, as amended by Ord. #285, § II, April 1998)

**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. (1977 Code, § 5-303)

**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. (1977 Code, § 5-304)

**9-305. Roadblocks.** Any permit to solicit by means of road blocks shall limit the locations of the road blocks to the intersections of Main and Tatum Streets, and Main and College Streets, and shall limit to three the number of

people at each location, and each participant shall be at least 18 years of age.  
(Ord. #256, Jan. 1995, as amended by Ord. #285, § IV, April 1998)

## CHAPTER 4

### POOL ROOMS<sup>1</sup>

#### SECTION

9-401. Hours of operation regulated.

9-402. Minors to be kept out; exception.

**9-401. Hours of operation regulated.** It shall be unlawful for any person to open, maintain, conduct, or operate, between the hours of 12:00 Midnight and 7:00 A.M., any place where pool tables or billiard tables are kept for public use or hire. (Ord. #275, Feb. 1997)

**9-402. Minors to be kept out; exception.** It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1977 Code, § 5-402)

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.



## CHAPTER 5

### CABLE TELEVISION

#### SECTION

9-501. To be furnished under franchise.

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

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #268 in the office of the recorder.

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

1. IN GENERAL.
2. DOGS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Loading and unloading livestock on public square prohibited.
- 10-108. Hitching horses, etc., to telephone poles, etc., prohibited.
- 10-109. Keeping swine prohibited.
- 10-110. Seizure and disposition of animals.
- 10-111. Inspections of premises.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1977 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1977 Code, § 3-102)

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

**10-104. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1977 Code, § 3-104)

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

**10-106. Cruel treatment prohibited.** It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1977 Code, § 3-106)

**10-107. Loading and unloading livestock on public square prohibited.** It shall be unlawful for any person to exchange, load, or unload onto the ground, or from a vehicle to another vehicle, any hog, cattle, mule, goat, sheep, horse, mare and/or any other specie and kind of livestock, on the public square. (1977 Code, § 3-107)

**10-108. Hitching horses, etc., to telephone poles, etc., prohibited.** It shall be unlawful for any person to hitch any horse or other animal to any telephone pole, telegraph pole, electric light pole, or to any private fence or enclosure of any other person within the corporate limits. (1977 Code, § 3-108)

**10-109. Keeping swine prohibited.** It shall be unlawful for any person to keep any swine in the corporate limits. (1977 Code, § 3-109)

**10-110. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the 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. 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. (1977 Code, § 3-111, modified)

**10-111. Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, 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. (1977 Code, § 3-112)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.

**10-201. 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. (1977 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. (1977 Code, § 3-202)

**10-203. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1977 Code, § 3-203)

**10-204. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1977 Code, § 3-204)

**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. (1977 Code, § 3-205)

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1977 Code, § 3-206)

**10-207. Seizure and disposition of dogs.** Any dog found running at large may be seized by the health 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, in accordance with a schedule approved by the board of mayor and aldermen, 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 health officer or any policeman.<sup>1</sup> (1977 Code, § 3-207)

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<sup>1</sup>State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

## TITLE 11

### MUNICIPAL OFFENSES<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

#### ALCOHOL<sup>2</sup>

#### SECTION

11-101. Drinking beer, etc., on streets, etc.

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1977 Code, § 10-227)

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

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

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1977 Code, § 10-232)



## CHAPTER 3

### OFFENSES AGAINST THE PERSON

#### SECTION

11-301. Assault and battery.

**11-301. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1977 Code, § 10-201)

## CHAPTER 4

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

**11-401. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1977 Code, § 10-202)

**11-402. Anti-noise regulations.** 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) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

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

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

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

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

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

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

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an 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. (1977 Code, § 10-231)

## CHAPTER 5

### **INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL**

#### **SECTION**

- 11-501. Escape from custody or confinement.
- 11-502. Impersonating a government officer or employee.
- 11-503. False emergency alarms.
- 11-504. Resisting or interfering with town personnel.
- 11-505. Coercing people not to work.

**11-501. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1977 Code, § 10-209)

**11-502. Impersonating a government officer or employee.** No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1977 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. (1977 Code, § 10-217)

**11-504. Resisting or interfering with town personnel.** It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the town while such officer or employee is performing or attempting to perform his municipal duties. (1977 Code, § 10-210)

**11-505. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1977 Code, § 10-228)

## CHAPTER 6

### FIREARMS, WEAPONS AND MISSILES

#### SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

**11-601. Air rifles, etc.** It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1977 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. (1977 Code, § 10-214)

**11-603. Weapons and firearms generally.** It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the town. (1977 Code, § 10-212)

## CHAPTER 7

### **TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC**

#### **SECTION**

11-701. Trespassing.

11-702. Malicious mischief.

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. (1977 Code, § 10-224)

**11-702. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1977 Code, § 10-223)

**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. (1977 Code, § 10-230)

## CHAPTER 8

### MISCELLANEOUS

#### SECTION

11-801. Abandoned refrigerators, etc.

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

11-803. Posting notices, etc.

11-804. Curfew for minors.

11-805. Wearing masks.

**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. (1977 Code, § 10-221)

**11-802. Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1977 Code, § 10-229)

**11-803. Posting notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1977 Code, § 10-225)

**11-804. Curfew for minors.** It shall be unlawful for any person, under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1977 Code, § 10-222)

**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 recorder to wear a traditional holiday costume. (1977 Code, § 10-233)



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

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. MODEL ENERGY CODE.

**CHAPTER 1****BUILDING CODE<sup>1</sup>****SECTION**

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.
- 12-105. Building permit fees for construction.

**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 Standard Building Code<sup>2</sup>, 1994 edition with 1996 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1977 Code, § 4-101, modified)

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<sup>1</sup>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.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

**12-102. Modifications.** Whenever the building code refers to the "Building Official" or "Director of Public Works" it shall be deemed to be a reference to the person appointed or designated to administer and enforce the provisions of the building code. The schedule of permit fees set forth in Appendix "B" is amended so that the fees to be collected shall be exactly one-half of the sums therein prescribed. Provided, however, that the minimum fee for an inspection shall be \$1.50. Section 107 of the building code is hereby deleted. (1977 Code, § 4-102)

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

**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. (1977 Code, § 4-104)

**12-105. Building permit fees for construction.** Building permits shall be sold at the rate of \$3.50 per \$1000.00 of the estimated cost of construction plus \$250.00 for the cost of inspections. (Ord. #280, July 1997)

## CHAPTER 2

### **PLUMBING CODE**<sup>1</sup>

#### **SECTION**

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

**12-201. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the town's water or sewerage system, the Standard Plumbing Code,<sup>2</sup> 1994 edition with 1995/1996 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1977 Code, § 4-201, modified)

**12-202. Modifications.** Wherever in the plumbing code the "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (1977 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. (1977 Code, § 4-203, modified)

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 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. (1977 Code, § 4-204)

## CHAPTER 3

### **ELECTRICAL CODE**<sup>1</sup>

#### **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,<sup>2</sup> 1996 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. (1977 Code, § 4-301, modified)

**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. (1977 Code, § 4-302, modified)

**12-303. Permit required for doing electrical work.** No electrical work shall be done within this town until a permit therefor has been issued by the town. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1977 Code, § 4-303)

**12-304. Violations.** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1977 Code, § 4-304)

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<sup>1</sup>Municipal code references

Fire protection, fireworks and explosives: title 7.

<sup>2</sup>Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

**12-305. Enforcement.** The electrical inspector shall 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. (1977 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. (1977 Code, § 4-306)

## CHAPTER 4

### GAS CODE<sup>1</sup>

#### SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Nonliability.

**12-401. Title and definitions.** This chapter and the code herein adopted by reference shall be known as the gas code of the town and may be cited as such.

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

(1) "Inspector" means the person appointed or designated as gas inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter.

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

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1977 Code, § 4-401)

**12-402. Purpose and scope.** The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,<sup>1</sup> 1994 edition with 1996 revisions, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the recorder for the use and inspection of the public. (1977 Code, § 4-402, modified)

**12-403. Use of existing piping and appliances.** Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1977 Code, § 4-403)

**12-404. Bond and license.** (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.



conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1977 Code, § 4-404)

**12-405. Gas inspector and assistants.** To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the mayor. (1977 Code, § 4-405)

**12-406. Powers and duties of inspector.** (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1977 Code, § 4-406)

**12-407. Permits.** (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the gas inspector; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the gas inspector may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to

extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1977 Code, § 4-407)

**12-408. Inspections.** (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1977 Code, § 4-408)

**12-409. Certificates.** The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1977 Code, § 4-409)

**12-410. Fees.** (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspections) shall be \$1.50 for one to four outlets, inclusive, and \$0.50 for each outlet above four.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1977 Code, § 4-410)

**12-411. Violations and penalties.** Section 107 of the gas code is hereby deleted. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1977 Code, § 4-411)

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

## CHAPTER 5

### HOUSING CODE

#### SECTION

- 12-501. Housing code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations.

**12-501. Housing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,<sup>1</sup> 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1977 Code, § 4-501, modified)

**12-502. Modifications.** Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Section 108 of the housing code is deleted. (1977 Code, § 4-502)

**12-503. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1977 Code, § 4-503, modified)

**12-504. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1977 Code, § 4-504)

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

## CHAPTER 6

### **MODEL ENERGY CODE<sup>1</sup>**

#### **SECTION**

- 12-601. Model energy code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violation and penalty.

**12-601. Model energy code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code<sup>2</sup> 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

**12-602. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Woodbury. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

**12-603. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

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.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-604. Violation and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

## **TITLE 13**

### **PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>**

#### **CHAPTER**

1. MISCELLANEOUS.
2. JUNKYARDS.
3. INOPERATIVE VEHICLES.
4. SLUM CLEARANCE.
5. STORAGE/REMOVAL OF HOUSEHOLD GOODS AND EQUIPMENT, ETC.

#### **CHAPTER 1**

#### **MISCELLANEOUS**

#### **SECTION**

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and safety nuisances.
- 13-107. House trailers.
- 13-108. Littering.

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

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

**13-103. Stagnant water.** It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1977 Code, § 8-106)

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

**13-104. Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1977 Code, § 8-107)

**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. (1977 Code, § 8-108)

**13-106. Health and safety nuisances.** Whenever the board of mayor and aldermen shall by any means have knowledge or receive notice of the existence of any unhealthy, unsanitary, unsafe, dangerous, hazardous, obnoxious, or offensive condition, structure, or situation in connection with or in relation to any building, structure, fixture, land, lot, property, or other thing whatsoever owned, operated, controlled, or managed by any person in the town, the board may, by proper resolution, declare the existence or continuance of such condition, structure, or situation adversely affecting the public health, safety, welfare, or happiness to be a nuisance and give notice thereof to all persons interested in such resolution. The board may, by the same or other and different resolutions, direct the persons, whether one or more, owning, operating, controlling, or managing the building, structure, fixture, land, lot, property, or other thing in connection with or in relation to which such nuisance exists or is maintained, within such reasonable time as may be prescribed in such resolution, to remedy the unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition, structure, or situation so as fully to abate the nuisance so declared by resolution. The reasonable time mentioned in this section shall be of such duration as will afford the person against whom it is directed a reasonable opportunity to be heard with reference to the same, but the decision of the board of mayor and aldermen on such hearing shall not be reviewable, except where arbitrary and capricious.

Without limitation of the generality of the foregoing, this section is intended to apply to any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition or situation existing in, or in connection with, any such building, structure, fixture, lot, land, property, or other thing on, in, above, over, under, or near any public street, road, alley, pavement, sidewalk, or other public place; to any awning or marquee similar to those usually or customarily placed above the pavement in front of store buildings and other public buildings; and to any condition or situation arising in connection with any manufacturing business or establishment.

The enumeration in this section of certain unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive conditions or situations shall not be held or construed to exclude others within the meaning of the



general terms of this section nor in anywise to limit the full application of the general terms hereof.

It shall be a misdemeanor for any person to fail to comply with any resolution directing the remedying of any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition.

Upon the failure of any person to comply, within the time specified, with each and every resolution directing the remedying of any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition or situation, the board of mayor and aldermen may itself abate such nuisance at the expense of such person without further notice, the sum so expended to be recovered by suit.

Any person who violates or fails to comply with any provision of this section shall be guilty of a misdemeanor. (1977 Code, § 8-109)

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

**13-108. Littering.**<sup>1</sup> It shall be unlawful to discard, toss, throw, dump, or otherwise dispose of, from a motor vehicle or otherwise, cans, bottles, trash, food, garbage, paper, junk, or any other refuse, upon the right of way of a highway or public road, or upon private property without the permission of the owner of such property, or in public parks and play grounds except in refuse containers provided therefor. (1977 Code, § 8-112)

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<sup>1</sup>Municipal code reference

Littering streets, alleys, or sidewalks: § 16-107.

## CHAPTER 2

### JUNKYARDS

#### SECTION

#### 13-201. Junkyards.

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

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

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

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

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<sup>1</sup>State law reference

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

## CHAPTER 3

### INOPERATIVE VEHICLES

#### SECTION

13-301. Vehicles prohibited on property, streets, or alleys.

13-302. Violation and penalty.

**13-301. Vehicles prohibited on property, streets, or alleys.** It shall be unlawful for any corporation, partnership, or individual or individuals to have upon the public street, alley, or private property in the Town of Woodbury, Tennessee any vehicle which is inoperative or unregistered for a period longer than thirty (30) days. (Ord. #267, May 1996)

**13-302. Violation and penalty.** Any violation of this chapter shall subject the violator to a fine of up to five hundred dollars (\$500.00) for each day the violation continues. (Ord. #267, May 1996)

## CHAPTER 4

### SLUM CLEARANCE

#### SECTION

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

**13-401. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, and safety, or otherwise inimical to the welfare of the residents of the city. (as added by Ord. #343, Jan. 2003)

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

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

(3) "Municipality" shall mean the Town of Woodbury, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

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

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

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

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

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #343, Jan. 2003)

**13-403. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the building official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (as added by Ord. #343, Jan. 2003)

**13-404. Initiation of proceedings; hearings.** Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #343, Jan. 2003)

**13-405. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding

fifty percent [50%] of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #343, Jan. 2003)

**13-406. When public officer may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #343, Jan. 2003)

**13-407. When public officer may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #343, Jan. 2003)

**13-408. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Cannon County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure

is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Cannon County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the city of to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #343, Jan. 2003)

**13-409. Basis for a finding of unfitness.** The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation or use if he finds that conditions exist in such structure which are dangerous or injurious to the health and/or safety of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Woodbury. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. (as added by Ord. #343, Jan. 2003)

**13-410. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Cannon County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #343, Jan. 2003)

**13-411. Enjoining enforcement of orders.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court. The remedy provided herein shall be the exclusive remedy and

no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #343, Jan. 2003)

**13-412. Additional powers of public officer.** The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in compliance with legal requirements for gaining entry;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #343, Jan. 2003)

**13-413. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #343, Jan. 2003)

**13-414. Structures unfit for human habitation or use deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health and safety, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty of fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #343, Jan. 2003)



## CHAPTER 5

### **STORAGE/DISPOSAL OF HOUSEHOLD GOODS AND EQUIPMENT, ETC.**

#### **SECTION**

13-501. Definitions.

13-502. Heavy appliance stored in public view deemed a nuisance.

13-503. Removal of heavy appliances, costs of removal.

13-504. Storage of household goods and equipment, etc. prohibited unless enclosed.

**13-501. Definitions.** "Screened from ordinary public view" shall mean in a manner which does not constitute a health hazard, attract children, rodents, or pests, and is located away from public view, or screened from ordinary public view, by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means. (as added by Ord. #341, Nov. 2002)

**13-502. Heavy appliance stored in public view deemed a nuisance.** No person shall permit any heavy appliance, such as stove, dishwasher, bathtub, refrigerator or other airtight container, washing machine, clothes dryer, or other similar appliance, to be placed or remain out of doors and not screened from public view for any period longer than one day. Abandoned airtight containers or heavy appliances kept contrary to the provision of this section are deemed a nuisance and the city may abate the same by serving notice upon any owner, tenant or lessee of the premises. If the container or heavy appliance is not removed within five (5) days of notice, the city may remove and dispose of the container or heavy appliance at said owner's expense. Such abatement may be had in addition to criminal prosecution for any violation of this section. (as added by Ord. #341, Nov. 2002)

**13-503. Removal of heavy appliances, costs of removal.** (1) The chief of police or building inspector, upon determining that a violation of this chapter exists, shall notify the owner, tenant or lessee of the property upon which the violation exists of the violation, by sending written notice to the last known address of the owner as shown on the records of the county assessor or by personal delivery of the notice to the owner, tenant or lessee of the property.

(2) The notice shall contain the request for removal within one day for a heavy appliance or airtight container, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

(3) If within five days after notice has been given, the violation continues, the chief of police or the building inspector will cause the offending,

heavy appliance or airtight container or vehicle to be removed at the property owner's, tenant's or lessee's expense.

(4) Liability of owner or occupant. Upon the failure of the owner or occupant of property on which heavy appliances or airtight containers have been removed by the city to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the real property for the amount of such expenses. (as added by Ord. #341, Nov. 2002)

**13-504. Storage of household goods and equipment, etc. prohibited unless enclosed.** No person, whether he be owner, tenant, occupant, lessee or otherwise of any private property or premises shall place, allow, discard, maintain, park, store or permit to be placed, allowed, discarded, maintained, parked or stored upon said property or premises for a period of time exceeding forty eight (48) hours any dismantled, abandoned, nonoperating, junked, damaged or destroyed household goods and equipment, motor vehicles, machinery or miscellaneous property as herein defined; provided, however, that the provisions of this subsection shall not apply to any property or premises where said household goods and equipment, motor vehicles, machinery or miscellaneous property is housed within an enclosed building thereon or to any property or premises lawfully operated as a business where the same is a part of said business enterprise and necessary to the operation of said business on said property or premises if kept within an area completely enclosed by a screening fence so that the property enclosed is not visible to the public and to neighboring property owners. (as added by Ord. #342, Nov. 2002)

## **TITLE 14**

### **ZONING AND LAND USE CONTROL**

#### **CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. STORMWATER MANAGEMENT ORDINANCE.

#### **CHAPTER 1**

### **MUNICIPAL PLANNING COMMISSION**

#### **SECTION**

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

**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 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 be compensated in an amount to be determined by the board of mayor and aldermen<sup>1</sup> and provided for in the municipal budget. Attendance of the monthly meeting shall be required in order to receive compensation which shall be paid at the end of each month. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the alderman 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. (1977 Code, § 11-101, as amended by Ord. #321, June 2001)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in

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<sup>1</sup>Ord. #322, June 2001 provides that the board of mayor and aldermen may amend this section by ordinance from time to time as they deem necessary.

accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1977 Code, § 11-102)

**14-103. Meetings.** The governing body of the Town of Woodbury does herein find that unnecessary costs incurred by the municipality to call and publicize special meetings by the planning commission and/or the board of zoning appeals is not in the best interest of the municipality and as such a three-hundred dollar (\$300.00) fee will be imposed on the petitioner requesting a special meeting to cover associated costs of any such special meeting. (as added by Ord. #340, Aug. 2002)

## CHAPTER 2

### ZONING ORDINANCE

#### SECTION

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

**14-201. Land use to be governed by zoning ordinance.** Land use within the Town of Woodbury shall be governed by Ordinance #234, titled "Zoning Ordinance, Woodbury, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance #234, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

Amendments to the zoning map are of record in the office of the recorder.

## CHAPTER 3

### **FLOOD DAMAGE PREVENTION ORDINANCE**

#### **SECTION**

14-301. Flood damage control to be governed by flood damage prevention ordinance.

**14-301. Flood damage control to be governed by flood damage prevention ordinance.** Regulations governing flood damage control within the Town of Woodbury shall be governed by Ordinance #250, titled "Woodbury Floodplain Zoning Ordinance" and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance #250, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

## CHAPTER 4

### **STORMWATER MANAGEMENT ORDINANCE**

#### **SECTION**

- 14-401. Statement of purpose.
- 14-402. Definitions.
- 14-403. Property owners to maintain system on private lands.
- 14-404. City to maintain system on public lands.
- 14-405. Unlawful to alter or obstruct the natural storm water drainage system without permit.
- 14-406. Construction of parking lots.
- 14-407. Notification of violation.
- 14-408. Failure to comply with an order to correct a violation.
- 14-409. Penalties for failure to comply.
- 14-410. Payment of costs.
- 14-411. Public works projects.

**14-401. Statement of purpose.** The purpose of this ordinance is to diminish threats to the public health and safety caused by the runoff of excess stormwater, to reduce the possibilities of hydraulic overloading of the storm sewer system, to reduce economic losses to individuals and the community at large as a result of the runoff of excess stormwaters, and to protect and conserve land and water resources while at the same time ensuring orderly development. (as added by Ord. #301, July 1999)

**14-402. Definitions.** (1) "City engineer." The person designated as the Town of Woodbury City Engineer.

(2) "Conduit." Any channel, pipe, sewer or culvert used for the conveyance of water, whether open or closed.

(3) "Detention facility." A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters that accumulate behind the outlet.

(4) "Discharge." The rate of outflow of water from any source.

(5) "Drainage area." The area from which water is carried off by drainage systems, i.e. a watershed.

(6) "Excess stormwater runoff." The volume and rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which represents the runoff from the property prior to the date of the ordinance.

(7) "Floodplain." The special flood hazard lands adjoining a watercourse, the surface elevation of which is lower than the base flood elevation and is subject to periodic inundation.

(8) "Hydrograph." A graph showing, for a given point on the stream or conduit, the runoff flow rate with respect to time.

(9) "One hundred year storm." A precipitation event of 24 hours' duration, having a 1% chance of occurring in any one year.

(10) "Peak flow." The maximum rate of flow of stormwater at a given point in a channel or conduit resulting from predetermined storm or flood.

(11) "Stormwater drainage system." All means, natural or man-made, used for conducting stormwater to, through, or from a drainage area to the point of final outlet including, but not limited to any of the following: open and closed conduits, canals, channels, ditches, streams, swales, culverts, streets and pumping stations.

(12) "Stormwater runoff." The waters derived from precipitation within a tributary drainage area, flowing over the surface of the ground or collected in channels or conduits.

(13) "Watercourse." Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, bully, ravine, street, roadway, swale or wash in which water flows in the definite direction, either continuously or intermittently and which has a definite channel, bed or banks. (as added by Ord. #301, July 1999)

**14-403. Property owners to maintain system on private lands.** It shall be the responsibility of the owner of each parcel of land within the Town of Woodbury to maintain and repair all portions of the natural stormwater drainage system that crosses said property. In addition, it shall be the responsibility of each property owner to prevent any and all material or other debris on his property from being carried beyond the boundaries of said property by the flow of water through the natural stormwater system. (as added by Ord. #301, July 1999)

**14-404. Town to maintain system on public lands.** It shall be the responsibility of the Town of Woodbury to maintain the repair all portions of the natural storm water drainage system located within the public rights-of-way or upon drainage easements acquired by the town as a part public works project approved by the town's governing body. (as added by Ord. #301, July 1999)

**14-405. Unlawful to alter or obstruct the natural storm water drainage system without a permit.** It shall be unlawful for any property owner to cause or allow any alteration of any portion of the natural storm drainage system in any manner which could hinder or impede the flow of water into or through said system without first obtaining a drainage alteration approval from the city planning and zoning board and a permit from the city recorder.

Application for said permit shall be in a form prescribed by the said office and approved by the city engineer. In general it will describe the proposed



alterations and include such drainage calculations as shall be necessary to document to the city engineer that the carrying capacity of the natural stormwater drainage system will not be diminished by said modifications to the capacity less than required to convey a 100 year rainfall event, assuming one-hundred percent (100%) development of the drainage basin. If the city engineer is not used to develop the said drainage alteration plan, the property owner must seek the city engineer's approval before acceptance of said plan by the City of Woodbury. Any application shall be accompanied by a filing fee of \$100.00. (as added by Ord. #301, July 1999)

**14-406. Construction of parking lots.** No parking lot surfaced with asphalt (hot mix), concrete, double bituminous surface treatment (tar and chip), or crusher run type stones which consists of 10,000 or more square feet of surface or causes the total of impermeable surface (roof and parking area) on a given parcel of land to equal 10,000 or more square feet, shall be constructed from which storm water run-off is discharged into the natural storm water drainage system at a rate greater than the rate at which water is being discharged from the site prior to the proposed construction taking place except as approved by the city engineer. No construction of such a parking lot shall take place until a drainage alteration permit approved by the board of planning and zoning and is issued by the office of the city recorder as provided herein. Application for said permit shall be accompanied by a set of plans and specifications to be presented to and approved by the city engineer. Said plans shall show all proposed drainage structures within the parking lot and points of discharge of storm water from the site. Said plans shall be accompanied by a set of calculations which illustrate the flow of storm water from each existing and proposed discharge point as expressed as cubic feet per second (cfs) and gallons per minute (gpm). Said calculations shall show the discharge of water from these points under existing and proposed conditions. (as added by Ord. #301, July 1999)

**14-407. Notification of violation.** Whenever any obstruction, alteration, hindrance or impediment to the natural storm water drainage systems, as defined by the chapter exists on lands with the corporate limits of the Town of Woodbury, the board of mayor and aldermen shall notify the owner of record of said lands and direct them to abate or remove the same. Said notifications shall:

- (1) Be in writing;
- (2) Specify the nature of the obstruction, alteration, hindrance, or impediment and give its locations;
- (3) Specify the corrective measures required; and
- (4) Require compliance with 30 days from the date of notification.

The notification shall be served upon the owner or owners of the premises where the violation is located by serving them personally or by sending said

notice by certified mail, return receipt requested to their address as shown on the current tax rolls of the Town of Woodbury. (as added by Ord. #301, July 1999)

**14-408. Failure to comply with an order to correct a violation.** If the owner or owners of the premises fail or refuse to comply with the order issued by the board of mayor and aldermen within the time period specified by the letter of notification, as provided herein, such failure or refusal shall be deemed a violation of the provisions of this chapter and said owner or owners shall be subject to the penalties herein provided. (as added by Ord. #301, July 1999)

**14-409. Penalties for failure to comply.** If the owner or owners of the premises fail or refuse to comply with the order issued by the board of mayor and aldermen within the time period specified by the letter of notification, the director of public works or his representatives may enter onto such premises and take the corrective action specified in the letter of notification so that the obstruction, alteration, hindrance, or impediment to the natural storm water drainage system identified by the said letter is removed or abated. (as added by Ord. #301, July 1999)

**14-410. Payment of costs.** Upon the completion of the corrective action carried out by the public works director or other individual as authorized herein, the actual costs of such action plus a fee of 20% for administrative costs, shall be paid by the owner or owners of said property to the Town of Woodbury and said costs shall be billed to the owner or owners of said property. If said bill is not paid in full within 60 days after its date of mailing, a 2% penalty shall be added and said costs and penalties shall be placed on the tax rolls of the Town of Woodbury as a lien upon said property and collected in the same manner as the other city taxes are collected. (as added by Ord. #301, July 1999)

**14-411. Public works projects.** Nothing in this chapter shall prevent the Town of Woodbury from undertaking a public works project to improve the natural storm water drainage system when it is determined by the Woodbury governing body that such a project will prevent a threat or menace to life, property, public health and public welfare of the town in order to prevent the serious consequences of flooding. (as added by Ord. #301, July 1999)

**TITLE 15****MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

**CHAPTER 1****MISCELLANEOUS<sup>2</sup>****SECTION**

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.

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<sup>1</sup>Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

<sup>2</sup>State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.

**15-101. Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1977 Code, § 9-101)

**15-102. Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1977 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. (1977 Code, § 9-107)

**15-104. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1977 Code, § 9-109)

**15-105. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.
- (c) Upon a roadway designated and signposted by the town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1977 Code, § 9-110)

**15-106. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1977 Code, § 9-111)

**15-107. Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1977 Code, § 9-112)

**15-108. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1977 Code, § 9-113)

**15-109. General requirements for traffic-control signs, etc.** All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>2</sup> published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive. (1977 Code, § 9-114)

**15-110. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles

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<sup>1</sup>Municipal code references

Stop signs, yield signs, flashing signals, traffic control signals generally: §§ 15-504--15-507.

<sup>2</sup>This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1977 Code, § 9-115)

**15-111. Presumption with respect to traffic-control signs, etc.**

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1977 Code, § 9-116)

**15-112. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1977 Code, § 9-117)

**15-113. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1977 Code, § 9-118)

**15-114. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1977 Code, § 9-120)

**15-115. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1977 Code, § 9-121)

**15-116. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1977 Code, § 9-122)

**15-117. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ( $\frac{1}{2}$ ) hour after sunset and one-half ( $\frac{1}{2}$ ) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1977 Code, § 9-123)

**15-118. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1977 Code, § 9-124)

**15-119. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1977 Code, § 9-125)

**15-120. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1977 Code, § 9-126)

**15-121. Damaging pavements.** No person shall operate or cause to be operated upon any street of the town 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. (1977 Code, § 9-119)

**15-122. 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 town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, 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 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. (1977 Code, § 9-127)



## CHAPTER 2

### EMERGENCY VEHICLES

#### SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

**15-201. Authorized emergency vehicles defined.** Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1977 Code, § 9-102)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1977 Code, § 9-103)

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<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:  
§ 15-501.

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1977 Code, § 9-104)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1977 Code, § 9-105)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

**15-301. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1977 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. (1977 Code, § 9-202)

**15-303. In school zones.** It shall be unlawful for any person to operate or drive a motor vehicle at a rate of speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours. (1977 Code, § 9-203)

**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 town. (1977 Code, § 9-204)

## CHAPTER 4

### TURNING MOVEMENTS

#### SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

**15-401. 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.<sup>1</sup> (1977 Code, § 9-301)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1977 Code, § 9-302)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1977 Code, § 9-303)

**15-404. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1977 Code, § 9-304)

**15-405. U-turns.** U-turns are prohibited. (1977 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At "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.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1977 Code, § 9-401)

**15-502. When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1977 Code, § 9-402)

**15-503. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1977 Code, § 9-403)

**15-504. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately

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<sup>1</sup>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. (1977 Code, § 9-404)

**15-505. At "yield" signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1977 Code, § 9-405)

**15-506. At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway.

(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. (1977 Code, § 9-406)

**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 town 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. (1977 Code, § 9-407)

**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,<sup>1</sup> except in an emergency. (1977 Code, § 9-408)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 6

### PARKING

#### SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters; parking meter permits.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal parking.
- 15-613. Parking around courthouse.

**15-601. Generally.** No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this town shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the town has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1977 Code, § 9-501)

**15-602. Angle parking.** On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1977 Code, § 9-502)



**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1977 Code, § 9-503)

**15-604. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the town. (1977 Code, § 9-504)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1977 Code, § 9-505)

**15-606. Regulation by parking meters; parking meter permits.** In the absence of an official sign to the contrary which has been installed by the town, between the hours of 8:00 A.M. and 5:00 P.M. (9:00 P.M. on Saturdays), on all days except Sundays and special occasions declared by the mayor, parking shall be regulated by parking meters where the same have been installed by the town. The presumption shall be that all installed parking meters were lawfully installed by the town.

A permit authorizing legal parking in any parking meter space without inserting a coin in or activating the parking meter for such space may be purchased from the recorder for the sum of two dollars and fifty cents (\$2.50) per month. The permit shall be conspicuously displayed on the vehicle for which issued in accordance with instructions from the recorder. (1977 Code, § 9-506)

**15-607. Lawful parking in parking meter spaces.** Any parking space regulated by a parking meter may be lawfully occupied by a vehicle properly displaying a current parking meter permit or after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1977 Code, § 9-507)

**15-608. Unlawful parking in parking meter spaces.** It shall be unlawful for the owner or operator of any vehicle not properly displaying a current parking meter permit to park or allow his vehicle to be parked in a parking space regulated by a parking meter when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1977 Code, § 9-508)

**15-609. Unlawful to occupy more than one parking meter space.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1977 Code, § 9-509)

**15-610. Unlawful to deface or tamper with meters.** It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1977 Code, § 9-510)

**15-611. Unlawful to deposit slugs in meters.** It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1977 Code, § 9-511)

**15-612. Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1977 Code, § 9-512)

**15-613. Parking around courthouse.** (1) Prohibited. It shall be unlawful for any person, firm or corporation to drive, park or leave standing any motor vehicle or vehicular conveyance in and on the street and parking area embracing the inner quadrangle surrounding the Courthouse yard on the Public Square in Woodbury during the time special events and programs are being

conducted on the Courthouse Square for the general public, provided, however, that such prohibited area or areas have been cordoned, roped, barred, bannistered, or otherwise designated for the special public events and programs by order of the mayor and chief of police, upon request of the sponsor or sponsoring organization for the special public events and programs.

(2) Exceptions. This prohibition shall not apply to those persons, firms and corporations who drive, park or leave standing any motor vehicle or vehicular conveyance within or upon the designated areas who are participating in the special public event and program, with the approval of the sponsor or sponsoring organization for the said special event and program, and upon the express permission of the mayor and chief of police.

(3) Violation and penalty. Any violation of the above provisions shall be deemed a misdemeanor, and punishable by a fine not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00). (Ord. #203, April 1978)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1977 Code, § 9-601)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1977 Code, § 9-602)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1977 Code, § 9-603, modified)

**15-704. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

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 otherwise lawfully disposed of. (1977 Code, § 9-604, modified)

**15-705. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1977 Code, § 9-605)

**15-706. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within ten (10) days, have the charge against him disposed of by paying to the recorder a fine of fifty cents (\$.50) 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 three dollars (\$3.00).

(b) Other parking violations. For other parking violations, the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court but the fines shall be two dollars (\$2.00) within ten (10) days and five dollars (\$5.00) thereafter. (1977 Code, § 9-603, modified)

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PARADES.
4. STREET ACCEPTANCE AND CONSTRUCTION STANDARDS CODE.

#### 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. [Deleted.]
- 16-110. Parades, etc., regulated.
- 16-111. Playing games in streets, etc.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way with any building or structure or for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1977 Code, § 12-101)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1977 Code, § 12-102)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**16-103. Trees, etc., obstructing view at intersections prohibited.**

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1977 Code, § 12-103)

**16-104. Projecting signs and awnings, etc., restricted.**

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1977 Code, § 12-104)

**16-105. Banners and signs across streets and alleys restricted.**

It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1977 Code, § 12-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.**

It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1977 Code, § 12-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.**

It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1977 Code, § 12-107)

**16-108. Obstruction of drainage ditches.**

It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1977 Code, § 12-108)

**16-109. [Deleted.]**

(1977 Code, § 12-109, as deleted by Ord. #334, July 2002)

**16-110. Parades, etc., regulated.**<sup>2</sup>

It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration,

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

<sup>2</sup>Municipal code reference

Parade regulations: this title, chapter 3.

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. (1977 Code, § 12-110)

**16-111. Playing games in streets, etc.** It shall be unlawful for any person to play any game on the streets, sidewalks, or alleys, within the corporate limits, which in any manner unreasonably obstructs the full and free use of said streets, alleys, or sidewalks for their intended purpose. (1977 Code, § 12-111)

**16-112. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1977 Code, § 12-112)

**16-113. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1977 Code, § 12-113)



## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-204. Restoration of streets, etc.
- 16-205. Insurance.
- 16-206. Time limits.
- 16-207. Supervision.
- 16-208. Driveway curb cuts.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the town manager is open for business, and said permit shall be retroactive to the date when the work was begun. (1977 Code, § 12-201)

**16-202. Applications.** Applications for such permits shall be made to the town manager, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or

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<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

approved by the town manager within twenty-four (24) hours of its filing. (1977 Code, § 12-202)

**16-203. Manner of excavating--barricades and lights--temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1977 Code, § 12-205)

**16-204. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the town manager shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1977 Code, § 12-206)

**16-205. Insurance.** In addition to making the deposit hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the town manager 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 \$200,000 for each accident, and for property damages an amount not less than \$50,000 for any one (1) accident, and an aggregate of \$100,000 for all accidents. (1977 Code, § 12-207)

**16-206. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the town manager. (1977 Code, § 12-208)

**16-207. Supervision.** The town manager shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1977 Code, § 12-209)

**16-208. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the town manager. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1977 Code, § 12-210)

## CHAPTER 3

### PARADES

#### SECTION

- 16-301. Short title.
- 16-302. Definitions.
- 16-303. Purposes.
- 16-304. Permit.
- 16-305. Application.
- 16-306. Standard for issuance.
- 16-307. Contents of permits.
- 16-308. Duties of permittee.
- 16-309. Revocation of permit.
- 16-310. Notice of city officials.
- 16-311. Violation and penalty.

**16-301. Short title.** This chapter shall be known and may be cited as the "Parade Ordinance of the Town of Woodbury." (Ord. #249, Nov. 1993)

**16-302. Definitions.** The following words, for the purpose of this chapter, shall have the following meanings:

(1) "Parade" is any meeting, parade, demonstration, exhibition, festival, homecoming, assembly, or other such event to be held in or upon any street, park, or other public place in Woodbury.

(2) "Town" is the Town of Woodbury.

(3) "Board of mayor and aldermen" is the Board of Mayor and Aldermen of Woodbury.

(4) "Town recorder" is the town recorder of Woodbury.

(5) "Chief of police" is the chief of police of Woodbury.

(6) "Parade permit" is a permit as required by this chapter.

(7) "Person" is any person, firm, group, partnership, association, corporation, company, or organization of any kind. (Ord. #249, Nov. 1993)

**16-303. Purposes.** (1) The Town of Woodbury recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

(2) The town passes this chapter to regulate the time, place and manner of parades.

(3) The town passes this chapter in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.

(4) The Town of Woodbury has limited resources and passes this chapter so that it may properly allocate these resources among its citizens.

(5) The purpose of this chapter is to promote order, safety, and tranquility in the streets of the town.

(6) This chapter is passed to help minimize traffic and business interruptions during parades. (Ord. #249, Nov. 1993)

**16-304. Permit.** (1) No person shall parade unless a parade permit has been obtained from the board of mayor and aldermen. Any parade held without the proper permit shall be unlawful.

(2) This chapter shall not apply to funeral processions. (Ord. #249, Nov. 1993)

**16-305. Application.** (1) Any person seeking issuance of a parade permit shall file an application with the town recorder on forms provided by the town recorder. The town recorder shall place the request for a parade permit on the agenda of the next meeting of the board of mayor and aldermen for action by it in the normal course of business.

(2) The application for a parade permit shall be filed in writing with the town recorder not less than thirty (30) days prior to the contemplated parade and five (5) days prior to any regularly scheduled called meeting of the board of mayor and aldermen. No permit shall be granted sooner than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of mayor and aldermen.

(3) The application for a parade permit shall set forth the following information:

(a) The name, address, and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;

(b) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(c) The date when the parade is to be conducted;

(d) The route to be traveled, the starting point, and the termination point;

(e) The approximate number of persons who, and animals which will constitute such parade; the type of animals and description of the vehicles;

(f) The hours when the parade will begin and end;

(g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(h) The location by streets of any assembly area(s);

(i) The time at which units of the parade will begin to assemble at any assembly area(s);

(j) The interval of space to be maintained between units of the parade;

(k) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person; and

(l) Whether the applicant has been convicted for the violation of this chapter.

(4) The board of mayor and aldermen shall decide whether to grant the application for a permit. The board of mayor and aldermen may consult with the chief of police in making their decision.

(5) The board of mayor and aldermen in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace, or order. (Ord. #249, Nov. 1993)

**16-306. Standard for issuance.** (1) The mayor and board of aldermen shall issue a parade permit upon consideration of the application and other information obtained when they find that:

(a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route.

(b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire, or ambulance services.

(c) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay.

(d) No other permit has been granted for the same day.

(2) A permit shall be granted to the first person properly applying under the requirements of this chapter.

(3) No permit shall be granted for a parade except those restricted to the following time:

(a) No earlier than 8:00 A.M.

(b) No later than 12:00 Midnight.

(4) The town recorder shall notify the applicant within five (5) days after the action of the board of mayor and aldermen whether the permit has been granted or denied if the permit has been denied, the town recorder shall set forth the reasons why the board of mayor and aldermen denied the permit.

(5) In computing any period of time set out in this chapter, no Sundays, or holidays are to be computed in the time period. (Ord. #249, Nov. 1993)

**16-307. Contents of permits.** Each parade permit shall state the following:

(1) Assembly and disassembly time and place;

(2) Starting time;

(3) The route and the portions of the streets to be traversed that may be occupied by the parade;

- (4) Minimum speed;
- (5) Maximum speed;
- (6) Interval of space between parade units;
- (7) The maximum length of the parade in miles or fractions thereof;
- (8) Other information as the board of mayor and aldermen in cooperation with the chief of police shall find necessary to the enforcement of this chapter. (Ord. #249, Nov. 1993)

**16-308. Duties of permittee.** (1) A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.

(2) The permittee shall advise parade participants of such permit requirements.

(3) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade. (Ord. #249, Nov. 1993)

**16-309. Revocation of permit.** (1) The board of mayor and aldermen or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that:

(a) Applicant materially misrepresented facts for information in the application; and/or

(b) Applicant failed to meet the standards for issuance set forth herein.

(2) The board of mayor and aldermen for their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:

(a) A public emergency arises requiring such revocation to protect the safety of persons or property; or

(b) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs. (Ord. #249, Nov. 1993)

**16-310. Notice of city officials.** Immediately upon the issuance of a parade permit, the town recorder shall send a copy of the permit to the following:

- (1) The mayor;
- (2) The town attorney;
- (3) The fire chief;
- (4) The ambulance authority; and
- (5) The chief of police. (Ord. #249, Nov. 1993)

**16-311. Violation and penalty.** (1) It shall be unlawful for any person to parade without first having obtained a permit as required by this chapter.

(2) It shall be unlawful for any person to participate in a parade on the streets of the Town of Woodbury for which a permit has not been granted.

(3) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(4) Any person violating the provisions of any section of this chapter shall, upon conviction, be fined no more than fifty dollars (\$50.00) for each violation. (Ord. #249, Nov. 1993)



## CHAPTER 4

### **STREET ACCEPTANCE AND CONSTRUCTION STANDARD CODE**

#### **SECTION**

- 16-401. Purpose, authority and jurisdiction.
- 16-402. General procedure for street acceptance.
- 16-403. Procedure for approval of streets not shown on an approved and recorded subdivision plat.
- 16-404. Procedure for approval of streets shown on an approved and recorded subdivision plat.
- 16-405. Procedure for board of mayor and aldermen approval.
- 16-406. Street construction standards.

**16-401. Purpose, authority and jurisdiction.** (1) Purpose. The purpose of this code is to define the procedures and improvements that are required before the Town of Woodbury, Tennessee will accept maintenance responsibility for a proposed public street. The procedures and minimum standards are necessary in order to provide fair and equitable treatment to all persons seeking to have a street accepted by the municipality, in order to insure that all streets accepted are suitable for public use, and in order to help protect Woodbury taxpayers from excessive and unnecessary expenditures for streets and street maintenance.

(2) Authority. These street acceptance and construction standards are adopted under the authority granted by Tennessee Code Annotated, § 6-2-201 which entrusts the establishment and general supervision of streets to the Town of Woodbury Board of Mayor and Aldermen; and by Tennessee Code Annotated, § 13-4-307 which provides that the Woodbury Board of Mayor and Aldermen shall receive the recommendation of the appropriate planning commission prior to accepting or laying out any street.

(3) Jurisdiction. This code shall govern the acceptance of all streets for city maintenance within the corporate limits of the Town of Woodbury. (as added by Ord. #310, May 2000)

**16-402. General procedure for street acceptance.** The procedure for evaluation and acceptance of a street for city maintenance involves the Woodbury Municipal Planning Commission, Woodbury Street Department Supervisor and the board of mayor and aldermen.

There are two primary circumstances that may lead to a request for acceptance of a street for city maintenance. First, a resident or residents of the Town of Woodbury may petition for the acceptance of an existing or new private street not shown on an approved and recorded subdivision plat. Second, a developer may petition for the acceptance of a proposed new street shown on an approved and recorded subdivision plat. In both circumstances the street shall

meet the construction standards specified in § 16-406 of this street acceptance and construction standards code. (as added by Ord. #310, May 2000)

**16-403. Procedure for approval of streets not shown on an approved and recorded subdivision plat.** All existing or new private streets not shown on an approved and recorded subdivision plat proposed for acceptance for city maintenance shall first be reviewed and approved by the Woodbury Municipal Planning Commission prior to being submitted to the Woodbury Board of Mayor and Aldermen for adoption.

In order to secure the review and approval by the Woodbury Municipal Planning Commission a preliminary street plan/survey shall be submitted to the municipal planning commission. Upon completion of the required street improvements, said street improvements shall be inspected and approved by the street department and a final street plan/survey shall be submitted to the municipal planning commission.

(1) Preliminary street plan/survey requirements. (a) The preliminary street plan/survey shall be prepared by a licensed land surveyor or registered engineer and shall provide the following information:

- (i) Date, approximate north point, and graphic scale.
- (ii) Present tax map and parcel designation according to the official records in the office of Cannon County Property Assessor.
- (iii) Location sketch map.
- (iv) Names of adjoining property owners of record.
- (v) Any portion of the street lying within a floodable area.
- (vi) Location and dimensions of all exterior property boundary lines.
- (vii) Street right-of-way.
- (viii) Approximate location of street base and surfacing widths.
- (ix) Proposed street names.
- (x) Proposed location of street name signs and traffic control signs.
- (xi) Proposed public easements.
- (xii) Sufficient data to determine readily and to reproduce on the ground the location, bearing, and length of every street line. This shall include the radius, central angle and tangent distance for the center line of curved streets.

(b) At least seven (7) days prior to meeting at which it is to be considered, two (2) copies of the preliminary street plan/survey shall be submitted to the Town of Woodbury Street Department Supervisor and two (2) copies shall be submitted to the municipal planning commission.

(c) The official submission of the preliminary street plan/survey to the municipal planning commission is considered to be the first

planning commission meeting at which the plan/survey is presented for consideration.

(d) Within thirty (30) days after the official submission of the preliminary street plan/survey, the municipal planning commission shall approve, approve subject to modifications or disapprove the preliminary street plan/survey. If a plan/survey is disapproved, the reasons for such disapproval shall be stated in writing. If a plan/survey is approved subject to modification the nature of the required modifications shall also be included.

(e) The approval of the preliminary street plan/survey by the planning commission shall not constitute approval of any final street plan/survey.

(f) The approval of a preliminary street plan/survey shall terminate after one (1) year, provided however, that no extension of the time can be applied for.

(2) Street profile/street construction plan requirements. If due to drainage, slope, soil conditions or other concerns, the Woodbury Street Department determines that a street profile/street construction plan is necessary said profile/construction plan shall be prepared and submitted to the street department. The street profile/street construction plan shall be prepared by a registered engineer and shall provide information as determined necessary by the Woodbury Street Department.

(3) Procedure for inspection and approval by the street department.

(a) Upon approval of the preliminary street/survey (and the street profile/street construction plan if determined necessary) construction of the required improvements shall be completed. The Woodbury Street Department shall be provided with an anticipated schedule for the clearing of the right-of-way, street grading, preparation of subgrade, installation of drainage system, installation of pavement base, and final street surfacing. Since the inspections need to be made periodically during the entire process, communication with the street department is essential to make the process move as smoothly as possible.

(b) The Woodbury Street Department shall be notified at least twenty-four (24) hours in advance of the needed inspection:

- (i) Clearing and stripping of right-of-way.
- (ii) Construction of subgrade.
- (iii) Installation of drainage improvements and construction of pavement base to include checking thickness of gravel every 500 feet at random points across width.
- (iv) Construction of prime coat, binder surface and final surface.
- (v) Installation of street name and traffic control signs.

(c) Upon completion of the required street improvements, the Woodbury Street Department shall make a final inspection. If the completed street is found to be in compliance with the standards for construction, the street department supervisor shall be authorized to sign the final street plan/survey.

(4) Final street plan/survey requirements. (a) The final street plan/survey shall be prepared by a licensed land surveyor or registered engineer; shall conform substantially to the approved preliminary street plan/survey; and in addition to the information required on the preliminary street plan/survey the final street plan/survey shall provide the following information:

(i) Location of completed pavement base and surfacing widths.

(ii) Location of drainage ditches, tiles, pipes, culverts, etc.

(iii) Approved street name.

(iv) Location of installed street name and traffic control signs.

(v) Location of buildings on adjoining properties and driveways which will enter into the street right-of-way.

(vi) Location of existing or proposed utilities located within the street right-of-way.

(vii) Location of driveway culverts, bridges or public easements.

(viii) Name(s), seal(s) and address(es) of the licensed land surveyor or registered engineer responsible for the plan/survey preparation.

(ix) Appropriate certificates for approval (See § 16-403(5) of this code).

(b) Approval of the final street plan/survey shall not be given until completion and approval of the required street improvements. These improvements are to be completed in accordance with § 16-\_\_\_ of this code. The required improvements must be approved by the Woodbury Street Department.

(c) The final street plan/survey shall be submitted at least seven (7) days prior to the meeting at which it is to be considered, with two (2) copies submitted to the office of the Woodbury Street Department and two (2) copies submitted to the municipal planning commission.

(d) The official submission of the final street plan/survey to the municipal planning commission is considered to be the first planning commission meeting at which the plan/survey is presented for consideration.

(e) Within thirty (30) days after the official submission of the final street plan/survey, the municipal planning commission shall approve or disapprove the plan/survey. If the plan/survey is disapproved,

the grounds for disapproval shall be stated upon the records of the municipal planning commission.

(5) Certifications. In all cases the following certificates shall be present and signed on the original final street plan/survey before the Town of Woodbury Board of Mayor and Aldermen can consider a street for acceptance for city maintenance:

(a) Certificate of ownership and dedication. Certification showing that applicant is the land owner and dedicates the street and right-of-way for public use.

(b) Certificate of accuracy and precision. Certification by a licensed land surveyor or registered engineer of accuracy of plan/survey.

(c) Certification of street construction. Certification signed by the Woodbury Street Department Supervisor certifying that the street has been constructed to the required standards.

(d) Certification of planning commission approval. Certification signed by the Secretary of the Woodbury Municipal Planning Commission certifying that the plan/survey has been approved by the planning commission. This certificate shall not be signed unless the three above certifications have been signed.

(6) Warranty of street improvements. (a) The petitioner shall warranty all street improvements for a period of one (1) year from the date of acceptance by the Town of Woodbury.

(b) The warranty of street improvements shall consist of an escrow account, letter of credit, or certified check.

(c) The amount of the warranty shall be not less than twenty-five percent (25%) of the cost of the street improvements accepted nor more than \$20,000.

(d) The warranty of street improvements shall be submitted to the Town of Woodbury prior to the submittal of the final street plan/survey for final approval. (as added by Ord. #310, May 2000)

**16-404. Procedure for approval of streets shown on an approved and recorded subdivision plat**. All new streets shown on an approved and recorded subdivision plat proposed for acceptance for city maintenance shall be submitted, following the completion of all street improvements to the required standards, to the board of mayor and aldermen for adoption as provided in § 16-405 of this code. (as added by Ord. #310, May 2000)

**16-405. Procedure for board of mayor and aldermen approval**.

(1) Upon completion of all street improvements to the required standards and following the approval of the final street plan/survey or final subdivision plat by the Woodbury Municipal Planning Commission, the plan/survey or subdivision plat shall be submitted to the Woodbury Board of Mayor and Aldermen.

(2) The board of mayor and aldermen shall be provided with a deed to the right-of-way proposed for dedication for public use. The deed shall be submitted by the board of mayor and aldermen to the Woodbury Town Attorney for his review and approval.

(3) Upon approval by the town attorney of the deed to the right-of-way proposed for dedication for public use, the board of mayor and aldermen shall take formal action to approve the street and to authorize its addition to the official Woodbury City Street Map.

(4) Upon approval of the board of mayor and aldermen, the applicant shall record the final street plan/survey and deed with the Cannon County Register of Deeds. (as added by Ord. #310, May 2000)

**16-406. Street construction standards.** All streets proposed for public dedication and acceptance by the Town of Woodbury for town maintenance shall be constructed in accordance with the Woodbury Subdivision Regulations, Article III Design and Specifications, Section D, Streets--Construction Procedures and Specifications, as adopted on May 27, 1992. (as added by Ord. #310, May 2000)

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Disposal.
- 17-108. Schedule of fees for collection, removal and disposal.
- 17-109. Billing of fees.
- 17-110. Prohibited substances and practices.

**17-101. Definitions.** (1) "Refuse" shall mean and include garbage, 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.

(2) "Residential" shall mean refuse accumulated by residences (single family dwelling units and multiple family dwelling units), including churches, and stored to be collected and disposed of by the town in accordance with § 17-103 of this chapter.

(3) "Light commercial" is a commercial or small business establishment having no larger volume of waste than can be picked up twice weekly with maximum containers being as follows: 3-32 gallon cans, or 5 household sized plastic/sanitary bags (commonly 30 gallon size bags) each pickup.

(4) "Commercial/standard" is a commercial or business establishment whose refuse volume twice per week exceeds 3-32 gallon cans, or 5 household sized plastic/sanitary bags (commonly 30 gallon size bags.)

(5) "Industrial" is any residence, church, business, industry, public facility or others that use dumpsters for their refuse disposal needs.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(6) "Refuse generator" is any residence, church, business, industry, public facility or others that generate refuse. (Ord. #251, Aug. 1994)

**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. (Ord. #251, Aug. 1994)

**17-103. Storage.** Each owner, occupant, or other responsible person using or occupying any building or other premises within the Town of Woodbury where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall have a maximum combined capacity of not more than 96 gallons, except that this maximum capacity shall not apply to larger containers, which the municipality handles mechanically. Furthermore, except for containers which the municipality handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. (Ord. #251, Aug. 1994, as amended by Ord. #299, June 1999)

**17-104. Location of containers.** Where alleys are used by the town refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the municipal refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (Ord. #251, Aug. 1994)

**17-105. Disturbing containers.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (Ord. #251, Aug. 1994)

**17-106. Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (Ord. #251, Aug. 1994)



**17-107. Disposal.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (Ord. #251, Aug. 1994)

**17-108. Schedule of fees for collection, removal and disposal.**<sup>1</sup> The board of mayor and aldermen shall establish by ordinance a schedule of fees for collection, removal and disposal of all refuse prior to adoption of the budget for the Town of Woodbury. A copy of the schedule shall be kept in the town recorder's office for public inspection. (Ord. #251, Aug. 1994)

**17-109. Billing of fees.** The fees for collection, removal, and disposal of refuse by the town shall be included as a separate item each month on the bills rendered by the town for water and wastewater. The accounts shall be paid monthly at the same time the water and wastewater bills are paid. Water service shall be discontinued for failure to pay the refuse service fee by the time prescribed for water and wastewater bills. (Ord. #251, Aug. 1994)

**17-110. Prohibited substances and practices.** The following substances are hereby prohibited from being deposited with solid waste collected by the town:

- (1) Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances;
- (2) Any material that could be hazardous or injurious to town employees or which could cause damage to town equipment and/or facilities;
- (3) Hazardous waste as defined in Tennessee Code Annotated, § 68-212-104(7) and household hazardous waste as defined in Tennessee Code Annotated, § 68-211-802(a)(7);
- (4) Construction waste consisting of materials from construction, demolition, remodeling, construction-site preparation, including but not limited to rocks, bricks, dirt, debris, fill, plaster, guttering, and all types of scrap materials;
- (5) Human or animal excrement;
- (6) Hot materials such as ashes, cinders, etc.;
- (7) Infectious wastes including, but not limited to, those classified by the following:
  - (a) Isolation wastes. Wastes contaminated by patients who are isolated due to communicable disease as provided in the U.S. Center for

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<sup>1</sup>The following ordinances have amended the schedule of fees for collection, removal and disposal of refuse: Ord. #253, Ord. #262, Ord. #269, and Ord. #302.

Disease Control Guidelines for Isolation Precautions in Hospitals (July 1983).

(b) Cultures and infectious agents. Cultures and stocks of infectious agents and associated biological cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biological, discarded lice and attenuated vaccines.

(c) Laboratory waste. Laboratory waste which has come into contact with cultures and stocks of etiologic agents or blood specimens. Such wastes includes, but is not limited to, culture dishes, blood specimen tubes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come into contact with cultures and stock of etiologic agents.

(d) Human blood and blood products. Waste human blood and blood products such as serum, plasma, and other blood components.

(e) Pathological wastes. Pathological wastes, such as tissues, organs, body parts, and body fluids that are removed during surgery and autopsy.

(f) Discarded sharps. All discarded sharps (e.g. hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades, etc.) used in patient care, medical research or industrial laboratories.

(g) Contaminated animal carcasses, body parts and bedding. Contaminated animal carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biological or in the invitro testing of pharmaceutical.

(8) Human and/or animal remains.

(9) Automobile, truck and equipment batteries and tires. (Ord. #251, Aug. 1994)

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER AND SEWERS.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. WATER RULES AND REGULATIONS.
4. USER CHARGE INDUSTRIAL COST RECOVERY AND SEWER USE REGULATIONS.
5. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1****WATER AND SEWERS****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Water and sewer main extensions.
- 18-108. Variances from and effect of preceding section as to extensions.
- 18-109. Meters.
- 18-110. Meter tests.
- 18-111. Multiple services through a single meter.
- 18-112. Billing.
- 18-113. Discontinuance or refusal of service.
- 18-114. Re-connection charge.
- 18-115. Termination of service by customer.
- 18-116. Access to customers' premises.
- 18-117. Inspections.
- 18-118. Customer's responsibility for system's property.
- 18-119. Customer's responsibility for violations.
- 18-120. Supply and resale of water.
- 18-121. Unauthorized use of or interference with water supply.
- 18-122. Limited use of unmetered private fire line.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-123. Damages to property due to water pressure.
- 18-124. Liability for cutoff failures.
- 18-125. Restricted use of water.
- 18-126. Interruption of service.
- 18-127. Schedule of rates.

**18-101. Application and scope.** The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1977 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water or sewer main of the town to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the town's water main to and including the meter and meter box.

(4) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(5) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1977 Code, § 13-102)

**18-103. Obtaining service.** A formal application for either original or additional service must be made and be approved by the town before connection or meter installation orders will be issued and work performed. A non-refundable, non-transferable connection fee of \$50.00 shall be required from each and every customer prior to the customer receiving water service at any given address. (1977 Code, § 13-103, modified, and amended by Ord. #347, July 2003)

**18-104. Application and contract for service.** Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability

of the town to the applicant shall be limited to the return of any deposit made by such applicant. (1977 Code, § 13-104)

**18-105. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1977 Code, § 13-105)

**18-106. Connection charges.** Service lines will be laid by the town from its mains to the property line. The location of such lines will be determined by the town.

Before a new water or sewer service line will be laid by the town, the applicant shall pay the current price of a tap as set by the mayor and aldermen.

When the applicant requires other than the standard service line and/or meter as used for residential services he shall pay to the town the amount of any excess costs involved.

When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1977 Code, § 13-106, modified)

**18-107. Water and sewer main extensions.** Persons desiring water and/or sewer service must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the governing body), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the board of mayor and aldermen) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the board of mayor and aldermen shall be used.

All such extensions shall be installed either by town forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written

instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the town's water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1977 Code, § 13-108)

**18-108. Variances from and effect of preceding section as to extensions.** Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (1977 Code, § 13-109)

**18-109. Meters.** All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1977 Code, § 13-110)

**18-110. Meter tests.** The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The town will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
All meters	\$25.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1977 Code, § 13-111, modified)

**18-111. Multiple services through a single meter.** No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1977 Code, § 13-113)

**18-112. Billing.** Bills for water and sewer service will be rendered monthly.

Both charges shall be collected as a unit; no town employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the 10th day of the month following that in which the service was furnished, otherwise a ten percent (10%)

penalty will be added. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

In the event a bill is not paid on or before the 20th day of the month following that in which the service was furnished the customer's service may be discontinued. The town shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the 10th day of the month fall on a Sunday or a holiday, the business day next following will be the last day to pay without the penalty. A payment received by mail after the 10th day of the month will be accepted by the town if the envelope is date-stamped on or before the 10th day of the month.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available. (1977 Code, § 13-114)

**18-113. Discontinuance or refusal of service.** The town shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the town for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1977 Code, § 13-115)

**18-114. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars (\$25.00) shall be collected by the town before service is restored. To restore service after regular business hours a re-connection fee of fifty dollars (\$50.00) shall be paid to the serviceman upon arrival. (1977 Code, § 13-116, modified)

**18-115. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.



When service is being furnished to an occupant of premises under a contract not in the occupant's name, the town reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the town shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the town should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1977 Code, § 13-117)

**18-116. Access to customers' premises.** The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1977 Code, § 13-118)

**18-117. Inspections.** The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1977 Code, § 13-119)

**18-118. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property, arising from the neglect of a customer properly to care for same, the

cost of necessary repairs or replacements shall be paid by the customer. (1977 Code, 13-120)

**18-119. Customer's responsibility for violations.** Where the town furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1977 Code, § 13-121)

**18-120. Supply and resale of water.** All water shall be supplied within the town exclusively by the town and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the town. (1977 Code, § 13-122)

**18-121. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1977 Code, § 13-123)

**18-122. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the town.

All private fire hydrants shall be sealed by the town and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence. (1977 Code, § 13-124)

**18-123. Damages to property due to water pressure.** The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (1977 Code, § 13-125)

**18-124. Liability for cutoff failures.** The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

- (1) After receipt of at least ten (10) days' written notice to cut off water service, the town has failed to cut off such service.
- (2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the town's main.

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1977 Code, § 13-126)

**18-125. Restricted use of water.** In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1977 Code, § 13-127)

**18-126. Interruption of service.** The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the town's water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1977 Code, § 13-128)

**18-127. Schedule of rates.** (1) All water service and sewer service shall be furnished under the following rate schedules:

**INSIDE THE CORPORATE LIMITS:**

First 2,500 gallons Water	\$ 10.00 minimum charge
Over 2,500 gallons Water	\$ 1.55 per 1000 gallons
First 2,500 gallons Sewer	\$ 7.50 minimum charge
Over 2,400 gallons Sewer	\$ 2.49 per 1000 gallons
Water Taps	\$900.00 (standard size)
Sewer Taps	\$700.00 (standard size)

(2) All water service shall be furnished under the following rate schedule:

**WOODBURY UTILITY DISTRICT**  
**OUTSIDE THE CORPORATE LIMITS:**

First 2,000 gallons Water	\$ 13.50 minimum charge
Over 2,000 gallons Water	\$ 5.80 per 1000 gallons

Water Taps \$900.00 (standard size)  
(Ord. #270, June 1996, modified, and amended by Ord. #348, July 2003, and  
Ord. #349, July 2003)

## CHAPTER 2

### **SUPPLEMENTARY SEWER REGULATIONS<sup>1</sup>**

#### **SECTION**

- 18-201. Definitions.
- 18-202. Use of public sewers required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Use of the public sewers.
- 18-206. Protection from damage.
- 18-207. Powers and authority of inspectors.
- 18-208. Violations.

**18-201. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trades, or businesses as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

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<sup>1</sup>The regulations in this chapter are substantially the same as those recommended to cities by the Tennessee Department of Health, Division of Sanitary Engineering.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

(17) "Shall" is mandatory; "May" is permissive.

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste in which the concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Town manager" shall mean the town manager of the town, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1977 Code, § 13-201)

**18-202. Use of public sewers required.** (1) It shall be unlawful for any user to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the town, or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. (1977 Code, § 13-202)

**18-203. Private sewage disposal.** The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1977 Code, § 13-203)

**18-204. Building sewers and connections.** (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the town manager.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the town. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the town manager.

(3) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the town manager, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) 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 or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the town manager before installation.

(10) The applicant for the building sewer permit shall notify the town manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the town manager or the representative.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (1977 Code, § 13-204)

**18-205. Use of the public sewers.** (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Division of Water Quality Control. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Division of Water Quality Control, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:



(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation in the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the town manager that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the town manager will give consideration of such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150)° F (65° C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32)° and one hundred fifty (150)° F (0 and 65° C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the town manager.

(d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such

material received in the composite sewage at the sewage treatment works exceeds the limits established by the town manager and/or the Division of Sanitary Engineering, Tennessee Department of Health, for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the town manager as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the town manager in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the judgment of the town manager, and/or the Division of Sanitary Engineering, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the town manager may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the town manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the town manager, and the Tennessee Department of Health, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the town manager, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the town manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character

may be accepted by the town for treatment, subject to payment therefor, by the industrial concern. (1977 Code, § 13-205)

**18-206. Protection from damage.** No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1977 Code, § 13-206)

**18-207. Powers and authority of inspectors.** (1) The town manager and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The town manager or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) of this section, the town manager or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(8).

(3) The town manager and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1977 Code, § 13-207)

**18-208. Violations.** (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a misdemeanor,

and on conviction thereof shall be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation. (1977 Code, § 13-208)

## CHAPTER 3

### WATER RULES AND REGULATIONS

#### SECTION

- 18-301. Application and scope.
- 18-302. Definitions.
- 18-303. Obtaining service.
- 18-304. Connection fee required.
- 18-305. Minimum charge for water.
- 18-306. Meters.
- 18-307. Refusal of service.
- 18-308. Restricted use of water.
- 18-309. Customer's responsibility for service line.
- 18-310. Customer to provide location for meter box.
- 18-311. Customer liable for damage.
- 18-312. Customer's responsibility for violations.
- 18-313. Extensions.
- 18-314. Limitations on extensions.
- 18-315. Billing; publication of annual statement.
- 18-316. Charges begin when meter is installed.
- 18-317. Customer's desire for service to be suspended.
- 18-318. Power to prorate amount of water customer receives.
- 18-319. Hearings on complaints or adjustment requests.
- 18-320. Cross-connect to other water supplies prohibited.
- 18-321. Discontinuance of service.
- 18-322. Right of inspection.
- 18-323. Amendments of chapter.

**18-301. Application and scope.** Water will be furnished subject to rules and regulations of the Woodbury Utility District, which rules and regulations, as well as any rules and regulations hereinafter amended, modified or promulgated, are made a part of every application, contract and agreement entered into between the property owner or customer and the district. (Ord. #207, Oct. 1978)

**18-302. Definitions.** (1) "Customer." The word "customer" will be used in these rules and regulations to designate a person, firm or corporation contracting with the district for the furnishing of water to property, classified as follows:

- (a) A building under one roof and ownership and occupied by one business or as one residence.
- (b) One or more buildings on a single tract of land, all under one ownership and occupied by one family or business.

(c) One side of a double house having a solid vertical partition wall.

(d) A building under one roof and one ownership, but which contains a number of apartments or offices.

(e) A private line owned and maintained by a customer for his individual use only.

(2) "Service connection." The words "service connection" will be used in these rules and regulations to designate the tap on the main together with that portion of the line extending from the tap to the meter; in those installations where the meter is set at or near the property line on the street, highway, or right-of-way on which the main is located, only that portion of the line extending from the tap to and including the meter shall be included as part of the service connection.

(a) In cases where it is necessary to set the meter on the private property of the customer, an easement will be obtained, together with the right of ingress and egress to the meter for the purpose of reading or servicing the same.

(b) All water lines shall be of sufficient size to be compatible with the service needed, in the opinion of the district, for the furnishing of ample water to said customers.

(c) The meter and cut-off valves shall at all times be owned by the district. (Ord. #207, Oct. 1978)

**18-303. Obtaining service.** Any applicant for water shall file with the Woodbury town manager or some designated representative a written application requesting water service, together with a tap fee of \$615.00. If the service is not available for some reason or other, the tap fee will be refunded. In the event the costs of installation exceed \$615.00, the customer shall pay the actual costs of installation. When the installation of a water tap for the Woodbury Utility District requires boring under the road, the actual cost of the bore shall be charged to the customer in addition to the regular charge for a water tap. (Ord. #207, Oct. 1978, as amended by Ord. #276, July 1997, modified)

**18-304. Connection fee required.** A non-refundable, non-transferable connection fee of \$50.00 shall be required from each and every customer prior to the customer receiving water service at any given address. (Ord. #207, Oct. 1978, modified, and amended by Ord. #347, July 2003)

**18-305. Minimum charge for water.** The district shall have a minimum charge of \$12.50 per month per customer for water service regardless of the amount of water used. (Ord. #207, Oct. 1978, modified)

**18-306. Meters.** The district shall be responsible for installing and maintaining all meters and all service lines running from the main water line

to the meter. The district shall be liable for any injury to person or property occasioned by the negligence of the district in installing and maintaining said service lines and meters or in otherwise maintaining the water works of said district. (Ord. #207, Oct. 1978)

**18-307. Refusal of service.** The district shall have the right to refuse water service resulting from any causes whatsoever beyond the control of the district, and the district shall not be liable for damages for failure to furnish water for any cause or causes beyond its control. (Ord. #207, Oct. 1978)

**18-308. Restricted use of water.** The district shall have the right in the case of emergency, water shortage or for any other reason the district may deem proper, to allocate the amount of water used by each customer. (Ord. #207, Oct. 1978)

**18-309. Customer's responsibility for service line.** The customer shall be responsible for and bear the expense of installing and maintaining the service line from the meter to the property of the customer. (Ord. #207, Oct. 1978)

**18-310. Customer to provide location for meter box.** When it is necessary, the customer will provide, at no cost, a suitable place for the location of a meter upon customer's property, and will give an easement to the district for any property of the district located upon customer's land. (Ord. #207, Oct. 1978)

**18-311. Customer liable for damage.** The customer shall be liable for any damage incurred to the district's property resulting from customer's negligence. (Ord. #207, Oct. 1978)

**18-312. Customer's responsibility for violations.** The district shall, in its discretion, specify how and what uses may be made of water purchased by customer; and if the customer fails to comply with the uses so specified, customer shall be subject to having his water service forthwith terminated. (Ord. #207, Oct. 1978)

**18-313. Extensions.** In the event the district shall see fit to extend any main line of its water works, the district shall, upon considering all circumstances, determine whether a customer or customers shall bear the expense of this extension. (Ord. #207, Oct. 1978)

**18-314. Limitations on extensions.** The district shall, at all times, have the right to place discretionary limitations on the extension or extensions of any water main within the district. (Ord. #207, Oct. 1978)



**18-315. Billing; publication of annual statement.** In the event a customer removes himself or his business from a metered location at which he is receiving water, he shall, if at all possible, give the district 30 days notice of his intention to move. The customer shall be responsible for payment of water consumed up to the date his service is terminated. In the event a customer desires to move to a new location within the district, he shall pay the normal charge of \$615.00 for meter installation together with a \$40.00 connection fee.

The meters in the district shall be read between the 1st and 20th day of each month, and the customer shall receive a bill not later than the 1st day of the succeeding month for water used up the date said meter was read. The customer shall be required to pay his bill not later than the 10th day of the month in which he received his bill. The customer's failure to pay by the 10th day of that month shall constitute a penalty and an additional 10% per cent shall be added to his bill, and he shall have a period of 5 days after the penalty has been added within which to pay the bill. The customer's failure to pay same within the 5 day penalty period shall work a forfeiture upon his right to receive water, and the commissioners may, in their discretion, forthwith terminate his water supply. In the event the delinquent customer wishes to be reinstated as a water customer, he shall pay the sum of \$25.00 for making a re-connection.

Within ninety (90) days after the close of the fiscal year of each district organized and operating under the provisions of this chapter, the commissioners of the district shall publish<sup>1</sup> in a newspaper of general circulation, published in the county in which the district is situated, a statement showing:

- (1) The financial condition of the district at the end of the fiscal year;
- (2) The earnings of the district during the fiscal year just ended;
- (3) A statement of the water rates then being charged by the district, and a brief statement of the method used in arriving at such rates. (Ord. #207, Oct. 1978, modified)

**18-316. Charges begin when meter is installed.** All water charges begin when the meter is installed. (Ord. #207, Oct. 1978)

**18-317. Customer's desire for service to be suspended.** If the customer desires the district to suspend his water service, he shall give notice to the district. (Ord. #207, Oct. 1978, modified)

**18-318. Power to prorate amount of water customer receives.** The district shall have the discretionary power to prorate the amount of water each customer receives. The district shall also have the discretionary right to place any reasonable restrictions it may see fit upon customers' uses of water and the

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 7-82-401.

district shall have the discretionary power to set a schedule of hours in which water shall be made available for customer uses. (Ord. #207, Oct. 1978)

**18-319. Hearings on complaints or adjustment requests.** The board of mayor and aldermen may hear any complaints or requests for rate adjustments by a customer or customers, and if said board renders an opinion unfavorable to a customer or customers, the customer shall have his further remedy at law. (Ord. #207, Oct. 1978)

**18-320. Cross-connect to other water supplies prohibited.** No customer served by the district will be permitted to cross-connect the water service supplied by the district to any other water supplier. No physical connections can be made by the customer to any other distribution system or source other than that furnished by the district. (Ord. #207, Oct. 1978)

**18-321. Discontinuance of service.** The district shall have the right to discontinue service for the purpose of making any repairs that may be necessary to the main line, service line, or cut-off valves and meters. (Ord. #207, Oct. 1978)

**18-322. Right of inspection.** The district reserves the right to make an inspection of the plumbing installations on the customer's premises upon giving reasonable notice to said customer. Said inspection will be made for the use and benefit of both the customer and the district during reasonable daylight hours. (Ord. #207, Oct. 1978)

**18-323. Amendments of chapter.** The foregoing rules and regulations may be amended, modified, enlarged upon or otherwise changed at any time the board of mayor and aldermen deem same necessary. (Ord. #207, Oct. 1978)

## CHAPTER 4

### **USER CHARGE INDUSTRIAL COST RECOVERY AND SEWER USE REGULATIONS**

#### **SECTION**

- 18-401. Introduction.
- 18-402. Revenues.
- 18-403. Accounting.
- 18-404. Sewage collection and treatment regulations.
- 18-405. Enforcement.
- 18-406. Penalties.
- 18-407. Definitions.

**18-401. Introduction.** (1) Title. This chapter shall be known as, referred to, or cited as the "USER CHARGE, INDUSTRIAL COST RECOVERY, AND SEWER USE ORDINANCE FOR THE TOWN OF WOODBURY, STATE OF TENNESSEE", and hereinafter referred to as the chapter.

(2) Findings and declaration of policy. The board of mayor and alderman hereby finds that the requirements for the issuance of federal grants and the acceptance of such grants by the Town of Woodbury under Title II of the Federal Water Pollution Control Act Amendments of 1972, as amended, (Public Law 92-500, as amended) and the regulations of the U. S. Environmental Protection Agency as promulgated in the February 11, 1974, Federal Register, Volume 39, Number 39, Part III, for the construction of waste treatment works to improve the quality of effluent discharges from the Town of Woodbury establish:

(a) The necessity of adopting a user charge system that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system;

(b) The necessity of recovering an amount of the grants from a defined set of classes of industrial users in an amount proportionate to the use of that industry of the wastewater treatment facility design, which system is called an industrial cost recovery system; and

(c) The necessity of enacting regulations that control the use and inflow into waste treatment works.

(3) Purpose and intent. The purpose of the chapter is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Town of Woodbury and is designed to provide the legislative enactments required under Public Law 92-500, as amended, and applicable federal regulations for the acceptance of construction grants to improve the quality of effluent discharges from waste treatment works. It is further intended to provide for administration and enforcement of the chapter and to provide penalties for its violations.

(4) Abrogation and greater restrictions. It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(5) Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the town and shall not be deemed a limitation or repeal of any other power granted by the statutes of the State of Tennessee. (Ord. #215-A, \_\_\_\_\_)

**18-402. Revenues.** (1) Establishment of revenue system. A user charge shall be assessed to all users by the town board of mayor and alderman in accordance with the provisions of the chapter. The board of mayor and alderman shall recover from industrial users the Public Law 92-500, as amended, federal construction grant amount allocable to the construction of facilities for treatment of wastes from such users by establishing and maintaining an industrial cost recovery system in accordance with the regulations promulgated by the U.S. Environmental Protection Agency. Ad valorem taxes and unit charges levied by ordinance for the operation, maintenance and replacement of Town of Woodbury sewers and sewage works are hereby repealed. The board of mayor and alderman shall, under applicable statutes of the State of Tennessee and town ordinances, levy ad valorem taxes for general obligation bond principal and interest payments and any other purpose provided by law not related to the operation, maintenance, and replacement of the works of the system.

(2) User charge system. (a) Budget and appropriation. The town manager shall annually prepare an estimate of anticipated costs for each category of user charge, as outlined hereafter, for the forthcoming fiscal year. These estimates shall be made in the form of a rate ordinance<sup>1</sup> and shall be proposed to the board of mayor and alderman of the town for enactment by July 1st of each year.

(b) Operating and maintenance charges. (i) Operation and maintenance costs shall be separated in accordance with their applicability to flow, BOD, TSS, toxics, and nontoxic sampling/analysis. The percentage breakdown shall be reviewed each year by the town manager and approved by the board of mayor and alderman.

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<sup>1</sup>See Ord. #215-B, Annual Unit Rate Ordinance, in the office of the recorder.

(ii) Operation and maintenance costs for flow, BOD, and TSS are totalled for each. The unit charges for each are obtained by dividing the total costs by the previous year's total billable flow in 1000 gallons, billable pounds of BOD, and billable pounds of TSS. To determine the toxics unit charge, the total cost attributable to all the toxics shall be divided by the total number of toxics assigned to be monitored by the town for all industries monitoring for toxics. The monitoring unit charge is obtained by dividing the total non-toxic sampling/analysis costs for all classes of industrial users by the number of industrial users in user class times the number of samplings/analyses per year for that user class.

(c) Replacement charges. (i) The replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the Town of Woodbury, as required, in order to assure the continued peak performance of the equipment and to maintain the capacity for which the sewers and sewage works were designed and constructed. The service life for real and personal property shall be established by the town manager in cooperation with the town auditors, in accordance with experience of the Town of Woodbury, federal guidelines, and accepted accounting procedures. Each piece of equipment shall be evaluated annually to determine if its useful life has been extended as a result of preventative maintenance programs or repairs.

(ii) Yearly replacement costs for each piece of equipment shall be separated in accordance with their applicability to flow, BOD, and TSS. This breakdown shall be reviewed annually by the town manager and approved by the board of mayor and alderman.

(iii) The yearly replacement costs attributable to flow, BOD, and TSS shall be divided by the previous year's total billable flow in 1000 gallons, billable pounds of BOD, and billable pounds of TSS, respectively, and totalled to obtain unit replacement charges.

(d) Toxics charges. For each user discharging toxics, the unit charge for toxics described in § 18-402(2)(b)(ii) shall be multiplied by the number of toxics assigned to be monitored by the Town of Woodbury.

(e) Handling and sampling charges. A unit handling charge per bill to cover the cost of billing and collection shall be assessed against each user. The total administrative and overhead costs associated with billing and collection shall be determined by the town manager. To determine the charge to be assessed against each user, the town manager will divide the total administrative and overhead costs by the forthcoming year's estimated total number of bills to be issued. Industrial users shall be charged an additional amount to cover the cost of wastewater

monitoring, proportionate to the number of times per year their user class is sampled. This additional amount shall be determined as described in § 18-402(2)(b)(ii).

(f) Additional charges. Additional charges shall be billed, as required, for the following:

(i) Actual costs incurred for user-requested samplings and analyses.

(ii) Actual costs incurred for water meter inspection requested by the user or as required because of improper maintenance.

(iii) Actual costs incurred for special handling not provided for elsewhere in this chapter.

(iv) Actual costs incurred for handling a user's check returned because of insufficient funds.

(v) Costs for administering the industrial cost recovery system.

(3) Industrial cost recovery system. (a) Unit charges. The federal grant funds allocated to the Town of Woodbury under Public Law 92-500, as amended, shall be apportioned to each piece of real and personal property constructed under the grant funds. The grant funds for each piece of property shall be further apportioned to flow, BOD, TSS, and divided, respectively, by the sewage work's design flow in one thousand (1000) gallons, pounds of BOD, and pounds of TSS at the completion of construction under the grant to determine the unit charge attributed to flow, BOD, and TSS for each piece of property. The unit charges so determined shall be reviewed annually by the town manager and approved by the board of mayor and alderman.

(b) Industrial cost recovery charges. Unit charges attributed to flow, BOD, and TSS for each piece of property shall be totalled for flow, BOD, and TSS to determine the industrial cost recovery unit charge for each. These industrial cost recovery unit charges shall be levied on each industrial user's actual discharge flow, actual BOD, and actual TSS, minus an allowance in each for flow, and BOD, and TSS for the user's employees' domestic waste load. User's employees' domestic waste load is considered a discharge per capita of one hundred (100) gallons per day at a loading of two hundred (200) milligrams per liter of BOD and two hundred and fifty (250) milligrams per liter of TSS, unless an industrial user can sustain other values.

(c) Industrial cost recovery period. The industrial cost recovery period shall be thirty (30) years, with no charges for interest on the principal except as provided for under § 18-406(2) for late or nonpayment of bills.

(4) Wastewater treatment charges. (a) All users. The basic wastewater treatment bill to be paid by all users shall consist of user

charges for operation, maintenance, and replacement, using the unit charges from § 18-402(2)(b) and (c), and user charges for billing and collection as described in § 18-402(2)(e). The unit charges shall be applied to the user's billable flow, BOD, and TSS, respectively.

(b) Industrial and commercial users. (i) In addition to the basic wastewater treatment bill described in § 18-402(4)(a) for the user charge system, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in § 18-402(2)(e), industrial cost recovery charges as described in § 18-402(2)(e), industrial cost recovery charges as described in § 18-402(3), if applicable, and charges for toxics for each user discharging toxics, as described in § 18-402(2)(d).

(ii) The town shall periodically sample and analyze wastes from selected users in each industrial and commercial user classification to determine the BOD and TSS strengths of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the town manager as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples for the user's classification, and that analysis shall be used as typical of that particular user's waste for billing purposes. Industries with wastes classified by the town manager as having special problems shall, if directed by the town manager, install, at the industry's own cost and in a structure located on the building service line, whatever sampling devices are required by the town manager to obtain exact information about the waste.

(c) Additional charges. Additional charges as described in § 18-402(2)(f) shall, if required, be listed on the wastewater treatment bill.

(5) Wastewater treatment bill. (a) Bill period. A bill shall be produced and submitted to each user once each month.

(b) Payment of bill and discount. A five percent discount, on only the user charge portion of the wastewater treatment bill, shall be given for receipt of payment within fifteen (15) days of the date of billing. After the fifteen (15) day limit, the bill shall be due in full, taking into consideration a grace period to cover handling time by the collecting agent.

(c) Delinquent bills. (i) Any bill not paid four (4) weeks after date of billing shall be declared delinquent and a past due notice issued to the billed party. The past due notice shall contain an additional handling charge to offset all costs incurred for generating and issuing the past due notice. Additional past due

notices containing their respective handling charges shall be issued, if necessary, eight (8) weeks and twelve (12) weeks after date of billing.

(ii) Should a bill still be delinquent one hundred and twenty (120) days after the date of billing, the bill shall be referred to the attorney for the town for collection under the terms and conditions of § 18-406(2).

(iii) Nonreceipt of any bill described in § 18-402(4) shall not release the user of liability for any of those charges. In any case where the user is responsible for the nonreceipt of the bill, the conditions herein described for late payment and penalties shall apply. In those instances where the Town of Woodbury is responsible for the nonreceipt of the bill, the town may, at its discretion, grant the user an extension of the discount period and late payment conditions described herein.

(6) Debt service. General tax revenues shall continue to be collected for general obligation bond principal and interest payments and for public benefit funds, and for any other purpose provided by law not related to the operation, maintenance, and replacement of the waste treatment works. (Ord. #215-A, \_\_\_\_\_)

**18-403. Accounting.** (1) User charges. (a) Monies. All user charge monies shall be placed in the general fund. Such monies shall be used only to cover the costs of operation and maintenance, replacement, toxics, handling and sampling, and other costs as outlined in § 18-402(2).

(b) Expenditures. Expenditures shall be made from the user charge monies by the town manager in accordance with the detailed annual budget and ordinances authorized by the board of mayor and alderman.

(c) Replacement reserve expenditures. Expenditures from the accrued replacement reserve on facilities shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life.

(d) Renewals. Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from depreciation and replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed-assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.



(e) Audit. An audit shall be performed annually by a certified public accountant.

(2) Industrial cost recovery charges. (a) Monies. All industrial cost recovery monies shall be placed in the Industrial Cost Recovery Fund.

(b) Disposition of monies. Fifty percent (50%) of the monies collected during the year and certified by the auditors for the town as industrial cost recovery monies, together with the interest accrued thereon, shall be returned to the U.S. Treasury on an annual basis. A minimum of eighty percent (80%) of the retained amounts (40% of the total), together with the interest accrued thereon, shall be placed in an account and pending use these funds shall be invested only in obligations of the U.S. Government or in obligations guaranteed as to the principal and interest by the U.S. Government or any agency thereof. Monies from this account shall be expended only on expansion or reconstruction of the town's collection and treatment works. The EPA Regional Administrator must approve any expenditure from this account. The remaining twenty percent (20%) of the retained amounts (10% of the total), shall be used for any purpose as directed by the Town of Woodbury, but the expenditure of this money shall not affect the proportionality of the user charge. (Ord. #215-A, \_\_\_\_\_)

#### **18-404. Sewage collection and treatment regulations.**

(1) Conditions for discharge into treatment system. (a) Public wastewater collection facilities are required to be used for the deposit of human wastes, garbage, or other liquid wastes that cannot be discharged into a receiving stream or disposed of in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Tennessee Department of Health.

(b) No building or facility shall be connected to any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the Town of Woodbury, except as provided in § 18-404(5).

(c) No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged, upon public or privately-owned property any wastewaters within the corporate limits of the town unless done so within adequately sized holding facilities approved by all applicable federal, state and local agencies.

(d) No person shall deposit or discharge, or cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid, or gaseous waste unless through a connection approved under the terms of this chapter.

(e) No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream or in the air or onto the land, except where the person has made and provided for treatment

of such wastes which will render the content of such wastes' discharge in accordance with applicable town, state, and federal laws, ordinances, and regulations.

(f) In case of natural outlet discharges, at the time construction of the waste treatment works is commenced, each owner or operator shall furnish the town an approved National Pollutant Discharge Elimination System (NPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The NPDES permit shall be kept on file with the town manager and updated by such information as periodically required by the town, local, state, and/or federal agencies.

(g) Any person owning property within the corporate limits of the Town of Woodbury and the property is improved with one or more residences, house, buildings, or structures for or intended for human use, occupancy, employment, or any other similar purpose whatever, and the property abuts on any street, alley, or right-of-way in which there is located a sewer within one hundred (100) feet from the nearest property line shall, within one hundred eighty (180) days after such sewer is in service, at his expense install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the facilities with the sewer in accordance with the terms and provisions of the chapter; provided, however, that in the event compliance with this section of the chapter causes economic hardship to the person, he may apply to the town for exemption. An application for exemption shall state in detail the circumstances which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this chapter shall be made only if the town determines that there is capacity, including BOD and TSS capacity, available in all downstream sewer lift stations and sewer lines and in the treatment plant.

(h) Persons described in § 18-404(1)(e) through (g) shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.

(2) Limitations on discharge. (a) No person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, or unpolluted industrial cooling waters to any sewer connected to the town's waste treatment plant.

(b) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following material to any sewer connected to the town's treatment plant:

(i) Any liquid or vapor having a temperature high enough to create damaging or adverse effects on the treatment

process or to prevent compliance with regulations pertaining to the treatment standards.

(ii) Any waters or wastes which may contain more than one hundred (100) parts per million by weight of fat, oil, grease, or hexane extractable material.

(iii) Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid, or gas of whatsoever kind or nature.

(iv) Any garbage that has not been properly shredded.

(v) Any gases, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(vi) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the waste treatment works.

(vii) Any waters or waste containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals, or that could create any hazard in the receiving waters of the sewage treatment plant.

(viii) Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the town, which agreement may provide for special charges, payments, or provisions for treating and testing equipment.

(ix) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(x) Any amount of the following constituents exceeding that listed below:

Aluminum	800.0 Milligrams per Liter
Arsenic	0.25 Milligrams per Liter
Barium	2.0 Milligrams per Liter
Boron	1.0 Milligrams per Liter
Cadmium	2.0 Milligrams per Liter
Chlorides	700.0 Milligrams per Liter
Chromium total	21.8 Milligrams per Liter
Chromium (Hexavalent)	3.6 Milligrams per Liter

Copper	17.6 Milligrams per Liter
Cyanide	1.2 Milligrams per Liter
Fluorides	2.5 Milligrams per Liter
Iron, total	56.0 Milligrams per Liter
Lead	1.5 Milligrams per Liter
Manganese	1.0 Milligrams per Liter
Mercury	0.0005 Milligrams per Liter
Nickel	6.7 Milligrams per Liter
Phenols	0.3 Milligrams per Liter
Selenium	1.0 Milligrams per Liter
Silver	0.1 Milligrams per Liter
Total Dissolved Solids	1500.0 Milligrams per Liter
Zinc	16.5 Milligrams per Liter

(xi) Ammonia nitrogen in such an amount that would cause the town to be in noncompliance with regulations of the Tennessee Department of Health.

(xii) No provision of § 18-404(2) shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the U. S. Environmental Protection Agency or the Tennessee Department of Health.

(3) Pretreatment. (a) Grease, oil, and sand interceptors or retainers shall be installed by the user at its own expense when, in the opinion of the town manager, such are necessary for the proper handling of liquid wastes containing grease, oils, or sand in excessive amounts, of any flammable wastes, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the town manager and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the town manager.

(b) Where installed, all grease, oil, and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.

(c) In the event the town approves the admission of any materials into its sewers as set forth in § 18-404(2)(b), the town shall direct the user causing admission of any such materials to, at his own expense, construct, install, and operate such preliminary treatment plants and facilities as may be required in order to:

(i) Reduce the BOD to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight.

(ii) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 18-404(2)(b).

(iii) Control the quantities and rates of discharge of such waters or wastes.

(d) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all town, U. S. Environmental Protection Agency, Tennessee Department of Health, and any other local, state, or federal agency having regulatory authority with respect thereto.

(e) All such preliminary treatment facilities as required by the chapter shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.

(f) No provision contained in the chapter shall be construed to prevent or prohibit a separate or special contract or agreement between the Town of Woodbury and any industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the town for treatment, subject to additional payment therefor by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the board of mayor and alderman.

(g) The town reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.

(4) Private sewage treatment and disposal. (a) Where a public sewer is not available, as set forth in § 18-404(1), the building or structure shall be connected to a private sewer, and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable town, county, state, and federal laws and regulations.

(b) Within one hundred eighty (180) days after a property served by a private sewer or disposal system as described in this section shall become subject to the terms and provisions of § 18-404(1)(g), a direct connection shall be made to the public sewer according to the terms and provisions of the chapter, and all private sewers, disposal systems, septic tanks, cesspools, and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned and all openings, tanks, or other containers of human wastes, garbage and other wastes shall be permanently filled with granular material.

(c) The Town of Woodbury shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system or facility.

(d) No provisions of the chapter shall be construed to provide lesser requirements for private sewers and disposal systems as are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

(5) Service to outlying territory. (a) The Town of Woodbury, by proper resolution of the board of mayor and slderman, shall have the right at its discretion, upon payments, terms and conditions at may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partly outside the town's corporate limits.

(b) In the event a contract is made pursuant to § 18-404(5)(a), a user of any sewer serving property wholly or partly outside the town's corporate limits shall be subject to all of the terms and provisions of this chapter, and in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges, and expenses as would be imposed upon and paid by a user situated within the corporate limits of the town.

(c) If any property of a person desirous of becoming a user is situated outside the corporate limits of the town and not contiguous thereto so that it may not properly be annexed to and become part of the town's corporate limits, the town, at its discretion, may permit such a connection, provided that a contract providing essentially the following be entered into between the town and the user:

(i) The user may connect buildings situated only on the fully-described tract set forth in the agreement and in accordance with all applicable laws, ordinances, and regulations of the town, state, and federal governments.

(ii) The wastes and material discharged shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connections, user, and treatment or service charges which are applicable to all property and users uniformly.

(iii) The user, his successors and assigns, shall, in addition to costs noted previously, pay annually an amount equivalent to town taxes computed in the manner following:

(A) The equalized, assessed value of the user's taxable property, or of any subdivided part or separate tract thereof, as determined by proper authority of Cannon County, Tennessee, shall be multiplied by the town's rate of tax upon real estate and personal property situated within its corporate area for the year, when the tax rate is determined.

(B) The amount, when computed by the town, shall be charged to the user, its successors and assigns, and the statement sent to the user shall be paid within thirty (30) days after the date of sending. Any amount remaining unpaid after due date shall draw interest at the rate of ten percent (10%) per annum until paid.

(C) The amount computed for the use shall be prorated from the date of the contract if the user used the sewer system for only a partial year.

(D) If the user, or any successor or assigns thereof, shall fail to pay the amount when due, each and every sewer upon the property, or any subdivided tract thereof, for which payment is not made shall be disconnected by the owner from any other sewer which was connected under the contract and ultimately attaches to the town treatment plant. The user shall have caused or required its sewer system to be constructed within the property in order that separate tracts may be so disconnected, and hereby gave and granted the town an irrevocable easement for the purpose of going upon the same and disconnecting any such sewer if the producer, its successors or assigns, fails to disconnect promptly when such is required.

(E) In addition to the right of disconnection, town shall have a lien upon the property or subdivided portion of it in the amount of any unpaid charges due therefrom. Upon the filing of notice, the lien shall be deemed perfected, and the lien may be charged and redeemed, or foreclosed and the property sold to satisfy the unpaid charges in accordance with the Tennessee statutes.

(F) The town shall have the additional right to file a civil suit to recover the amount of the lien, the full cost incurred in disconnection, and all its reasonable legal expenses and attorney's fees incurred as a result of the suit.

(G) All amounts charged under § 18-404(5)(c) are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the town is paid in full for all amounts due it, and, in addition, the town shall be paid a deposit equal to the estimated charge for the next succeeding year. This deposit shall be held by the town in escrow, and will be returned upon satisfactory payment of amounts due the town for a period of two years.

(iv) The town shall not, without its prior written consent and acceptance, have dedicated to it, or own, any sewer system installed within the property, and the producer, its successors and assigns, shall maintain the same as its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.

(v) Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and said owner shall have no future liability to the town thereunder in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the Office of the Register of Cannon County, State of Tennessee.

(vi) In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed to the Town of Woodbury by proper ordinance, then the agreement executed pursuant to § 18-404(5)(c), as to such property or the subdivided or separate tract thereof which is so annexed, shall then terminate and be of no further force and effect.

(vii) The agreement executed under § 18-404(5)(c) shall be recorded in the Office of Register of Cannon County, State of Tennessee, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be subject.

(viii) If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors or assigns shall be promptly disconnected from any such system which ultimately connects to the town's waste treatment plant.

(ix) The applicant for treatment service under an agreement pursuant to § 18-404(5)(c) shall agree to assume user charges, industrial waste charges, and capital surcharge, if applicable, and to obtain from the town the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

(6) Discharge permits. (a) The Town of Woodbury reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, If the town does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the town. Upon official notification from the town, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within ninety (90) days from the date of such notification.

(b) Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, 1972 Edition, as amended and supplemented, are adopted by the board of mayor and alderman as



the basis for the issuance of discharge permits for building connections to a sewer.

(c) The application for a discharge permit shall be made on a form provided for that purpose by the town and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent, or representative thereof, and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information, as may be required by the board of mayor and alderman. The town manager shall also have, at his discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

(d) No fee shall be charged for a discharge application or permit.

(e) No discharge permit shall be issued by the town to any person whose discharge of material to sewers, whether shown upon the application to be determined after inspection and testing conducted by the town manager, is not in conformance with federal, state, or town statutes, ordinances, rules, and regulations, unless a waiver or variance of such standards and requirements is granted by the board of mayor and alderman in the manner hereinafter set forth. The town manager shall state in writing the reason or reasons for denial or requirement for waiver-variance and said written communication shall be mailed or personally delivered to the applicant within ten (10) days after denial.

(f) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the town, in the same manner and form as originally made.

(g) If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the town manager, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of § 18-404(6)(e), and a waiver or variance is required, the user may have the board of mayor and alderman review the denial or may request waiver-variance, provided the user shall give written notice of his request within thirty (30) days after receiving the denial. The board of mayor and alderman shall review the permit application, the written denial, and such other evidence and matters as the applicant and town manager shall present at its next regular meeting following receipt of request for its review, and the decision of the board of mayor and alderman rendered publicly at said meeting shall be final.

(h) In the event that any discharge of material to a sewer shall materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the board of mayor and alderman, cease and desist from such

discharge and shall also be subject to disconnection, fine, and other penalties provided by this chapter.

(i) A grant of waiver or variance by the board of mayor and alderman may set forth such conditions, exceptions, time limitations, durations, and expirations as the board of mayor and alderman deems necessary and proper.

(7) Construction of sewers and connections for buildings. (a) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Woodbury. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(b) A construction permit shall first be applied for and obtained from the town before a person, after the effective date of this chapter, can connect to any sewer located on properties within the corporate limits of the town or on properties outside the town where services have been contracted for with the town.

(c) Construction permits shall not be issued unless it has been determined by the town that there is capacity available in all downstream sewerage facilities.

(8) Reporting criteria for nonresidential users. (a) The Town of Woodbury reserves the right to require any nonresidential user to submit quarterly to the town, on forms provided by the town, a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the town or to any sewers connected to its treatment works. This statement shall be filed with the town manager no later than the tenth (10th) day of the month following the quarter for which the report is required.

(b) The waste characteristics to be measured and certified by the user shall be:

- (i) BOD in milligrams per liter.
- (ii) Suspended solids in milligrams per liter.
- (iii) Such other constituents of wastewater as directed by the town manager.

(c) Should there be a difference in understanding between the town and user as to the characteristics in § 18-404(8), the town reserves the right to use the town results from analyses for purposes of billing. Should submission not be made during the ten (10) day period, the town shall use its results from analyses for purposes of billing.

(d) Whenever required by the town, the owner of any property services by a building sewer carrying nonresidential wastewater and

material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications approved by the town manager and installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely, easily, and independently (of other premises and buildings of user) accessible to authorized representatives of the town at all times. Where construction of a sampling chamber is not economically or otherwise feasible, alternate arrangements for sampling may be arranged at the discretion of the town manager.

(e) Each sampling chamber shall contain a Parshall flume, weir, or similar device with a recording and totalizing register for measuring liquid quantity; or the metered water supply to the industrial plant may be used as measure of liquid quantity where it is substantiated by the town manager that the metered water supply and waste quantities are approximately the same or where a measurable adjustment agreed to by the town manager is made in the metered water supply to determine the liquid waste quantity.

(f) Samples shall be taken every hour or half hour, as determined by the town manager, and properly refrigerated and composited in proportion to the flow for a representative twenty-four (24) hour sample. Such sampling shall be done as prescribed by the town manager to insure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include reevaluation during each twelve (12) month period. The determination of representative quantities and characteristics shall include not less than seven (7) consecutive calendar days of twenty-four (24) hour composite samplings taken during periods of normal operation, together with acceptable flow measurements.

(g) The sampling frequency, sampling chamber, metering device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the town manager.

(h) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the standard methods specified in § 18-407(64) or with any other method approved by the board of mayor and alderman.

(i) The board of mayor and alderman may elect, at its option, to have the metering and sample collection done by the industrial plant personnel and have composite samples delivered to the town's laboratory for analysis. This procedure can also be terminated at any time by the board of mayor and alderman upon reasonable notice.

(9) Septic haulers. (a) Nonindustrial users hauling liquid wastes to the treatment plant shall be assessed user charge unit charges for

billable flow, billable BOD, and billable TSS; the volume of which is determined by the town manager.

(b) Industrial users hauling liquid wastes to the treatment plant shall be assessed user charges as described in § 18-404(8)(a)-(c), and shall be assessed industrial cost recovery unit charges on the billable flow, actual BOD, and actual TSS as described in § 18-404(9)(a).

(c) Liquid wastes hauled to the treatment plant containing concentrations of constituents in excess of the limits set forth in § 18-404(2) shall not be accepted. (Ord. #215-A, \_\_\_\_\_)

**18-405. Enforcement.** (1) Inspection rights. Any duly authorized employee or agent of the town bearing proper credentials and identification shall be permitted at any time to enter upon all properties within the corporate limits of the town or outside a town, that has contracted for wastewater treatment service, for the purpose of inspecting, observing, measuring, sampling, and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this chapter.

(2) Liability during inspections. While performing the necessary work on private properties referred to in § 18-405(1), the duly authorized employees of the town shall observe all safety rules applicable to the premises established by the commercial or industrial user, and the user shall be held harmless for injury or death to the town, and the town shall indemnify the user against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions. (Ord. #215-A, \_\_\_\_\_)

**18-406. Penalties.** (1) Violations of regulatory provisions. (a) Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a forfeiture in an amount not to exceed fifty dollars (\$50.00) for each violation in accordance with Tennessee Code Annotated, § 6-2-201. For the purpose of this section, each day that a violation exists or continues shall constitute a separate offense.

(b) A person who is subject to a forfeiture for violating any provision of this chapter may be committed to the county jail until the forfeiture and costs are paid; provided, however, that no such incarceration shall exceed ten (10) days for any one violation. For each day of confinement, the committed person shall be allowed, exclusive of his board, a credit of five dollars (\$5.00) toward the forfeiture and costs.

(c) Any person who shall violate any provision of this chapter shall also be:

(i) Liable to the town for all costs, expenses, loss, or damage, if any, incurred by the town as the result of such violation.

(ii) Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation occurred.

(iii) Subject to a lien upon said property in the amount of any costs described in § 18-406(1)(c)(i).

(2) Nonpayment of bills. (a) Lien. Whenever wastewater treatment bills, industrial cost recovery, or capital surcharge bills become delinquent as set forth in § 18-402, the same shall become and constitute a lien upon the real estate to which sewer service is supplied pursuant to the terms and provisions of Tennessee Code Annotated, § 6-35-414. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served. The claim for lien shall be made in the form of a sworn statement setting forth:

(i) A description of the real estate, sufficient for the identification thereof, upon or for which the sewerage service was supplied;

(ii) The amount or amounts of money due for such sewerage service; and

(iii) The date or dates when such amount or amounts became delinquent.

If all amounts shown due remain unpaid after recording as provided by state statutes, the board of mayor and alderman may foreclose the lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

(b) Civil action. In the alternative of levying a lien, the town may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney's fees incurred by the town in filing the civil action. Such attorney's fees shall be fixed by order of the court.

(c) Interest. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the rate of ten percent (10%) per annum.

(d) Filing fees. In all cases where the sewer user charge payment has become delinquent and board of mayor and alderman elects to file a statement thereof in the office of county court clerk, as hereinabove set forth, there shall be added to the amount due the town such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum

established by the board of mayor and alderman as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the town manager or a duly appointed employee of the town shall be authorized and directed to include such additional costs in the amount claimed due the town in the notice of lien.

(e) Revocation of permits and disconnecting of service. The board of mayor and alderman reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment, industrial cost recovery, or capital surcharge bills become delinquent.

(f) Deposit of future payments. All amounts charged under § 18-406(2) continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the town is paid in full for all amounts due it, and in addition, there shall be paid to the town a deposit equal to an estimated amount of such charge for the next succeeding year. Such a deposit shall be held by town in escrow, and will be returned upon satisfactory payment of all bills for a period of two years. (Ord. #215-A, \_\_\_\_\_)

**18-407. Definitions.** For the purpose of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory, while the word "may" is permissive.

(1) "Accrued reserves" shall mean a method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an on-going, on-line waste treatment facility.

(2) "Act" shall mean the Federal Water Pollution Control Act Amendments of 1972, as amended, Public Law 92-500, as amended, 33 U.S.C. para. 1251 et seq. (Supp.IV, 1974).

(3) "Administrator" shall mean the Regional Administrator of Region 4 of the U. S. Environmental Protection Agency.

(4) "Audit" shall mean an audit as a separate report from other funds and shall cover the following:

- (a) Financial operations are properly conducted;
- (b) Financial reports are presented fairly;
- (c) Applicable laws and regulations have been complied with;
- (d) Resources are managed and used in an economical and efficient manner;
- (e) Desired results and objectives are being achieved in a financially effective manner; and

(f) Records of audit of the industrial cost recovery system (ICRS) charges and expenditures are being retained for the useful life of the improvement.

(5) "Authorized expenditures" shall mean those expenditures authorized by the board of mayor and alderman and made payable from the accounts kept for the expenditures of the user charge and industrial cost recovery systems. Expenditures from the reserve funds shall be limited to those for which the fund was created.

(6) "Billable Biochemical Oxygen Demand (BOD)" shall mean a user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the town manager. Minimum waste strength of BOD shall be the domestic waste concentration of two hundred (200) milligrams per liter for the purpose of billing for user charges.

(7) "Billable flow" shall mean a user's recorded monthly water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered data, times the town approved percentage factor for wastewater entering the sewer system out of the metered water. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.

(8) "Billable Total Suspended Solids (TSS)" shall mean a user's loading in pounds of TSS calculated using the billable flow and concentration of TSS in the waste as determined by the town manager. Minimum waste strength of TSS shall be the domestic waste concentration of two hundred and fifty (250) milligrams per liter for the purpose of billing for user charges.

(9) "Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade.

(10) "Building drain - sanitary" shall mean that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins three (3) feet outside the building wall.

(11) "Building drain - storm" shall mean that part of the lowest horizontal piping of a drainage system which receives stormwater or other clearwater discharge, but receives no wastewater from sewage or other drainage pipes, and is located inside the walls of a building and conveys the sewage to the building sewer, which

(12) "Building sewer - sanitary" shall mean the extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known as a house connection.

(13) "Building sewer - storm" shall mean the extension from the building drain to the public sewer or other place of disposal and conveys

stormwater or other clearwater drainage, but no sanitary or industrial sewage. This is also known as a house connection.

(14) "Classes of users" means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial, or governmental.

(15) "Collection sewer" shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(16) "Combined sewage" shall mean a combination of both wastewater and storm or surface water.

(17) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

(18) "Commercial user" shall mean, for the purpose of the user charge system, a user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service.

(19) "Compatible pollutant" means BOD, suspended solids (SS), pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly-owned treatment works was designed to treat such pollutants and, in fact, does remove them to a substantial degree.

(20) "Deposited" shall mean placing funds in control of the Board of Mayor and Alderman, of the Town of Woodbury and, if said deposit is in the form of a bank check, deposit shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.

(21) "Depreciation" shall mean an annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties.

(22) "Dissolved solids" shall mean that concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

(23) "Town" shall mean the Town of Woodbury, Tennessee.

(24) "Town manager" shall mean an administrator of the Town of Woodbury.

(25) "Domestic level user or residential user" shall mean, for the purpose of the user charge system, a user whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from the normal living activities of its inhabitants.

(26) "Easement" shall mean an acquired legal right, less than fee simple, for the specific use of land owned by others.

(27) "Fecal coliform" shall mean any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

(28) "Floatable oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the town.



(29) "Force main" shall mean a pipe in which wastewater is carried under pressure.

(30) "Functional betterment" shall mean a process improvement in the increased size facilities or a process improvement in existing facilities that is directly anticipated to preclude physical betterments or is an indirect improvement to the process as a result of renewal on a cost effective basis.

(31) "Functional obsolescence" shall mean the process deficiency of a functional element of a plant beyond the capacity of a preventive maintenance program to such extent that a new process device or piece of equipment would be more cost effective.

(32) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the commercial handling, storage, and sale of produce.

(33) "Incompatible pollutant" shall mean any nontreatable waste product including nonbiodegradable dissolved solids.

(34) "Industrial cost recovery system" shall mean the system of charges levied to recover from the industrial users of the wastewater treatment facilities the federal grant amount, issued under Public Law 92-500, as amended, allocable to the construction of facilities for treatment of wastes from such industrial users. These charges are separate from and not a part of the wastewater treatment bill whose constituent elements include the user charge system and the billing and collection charge.

(35) "Industrial user" shall mean, for the purpose of the user charge system, a manufacturing or processing facility which is engaged in a production or profitmaking venture. For the purpose of the industrial cost recovery system, an industrial user shall mean any nongovernmental user of publicly-owned treatment works, identified in the Standard Industrial Classification Manual, 1972, as amended and supplemented, prepared by the Statistical Policy Division, Office of Management and Budget, including, but not limited to the following divisions:

- (a) Division A - Agriculture, Forestry, and Fishing.
- (b) Division B - Mining.
- (c) Division D - Manufacturing.
- (d) Division E - Transportation, Communications, Electric, Gas and Sanitary Services.
- (e) Division I - Services.

A user identified in the Standard Industrial Classification Manual may be excluded from the industrial cost recovery system if it is determined by the town manager that the industry will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

(36) "Infiltration" shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints,

connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

(37) "Infiltration/inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

(38) "Inflow" shall mean the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.

(39) "Interceptor sewer" shall mean a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(40) "Board of mayor and alderman" shall mean the governing body of the Town of Woodbury.

(41) "National pollutant discharge elimination permit" shall mean a permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of Public Law 92-500, as amended.

(42) "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(43) "Normal domestic strength sewage", as defined for the purposes of the chapter, shall mean wastewater or sewage having an average daily suspended solids (SS) concentration of not more than two hundred and fifty (250) milligrams per liter and an average daily BOD of not more than two hundred (200) milligrams per liter.

(44) "Operation and maintenance costs" shall include all costs, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewaters, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

(45) "Person" shall mean any individual, firm, company, association, society, corporation, or group discharging any wastewater to the wastewater treatment facility.

(46) "Personal property" shall mean, for the purpose of the user charge system, all equipment owned by the Town of Woodbury, and used in the transport and treatment of sewage. Such equipment must be mechanical, electronic, or electrical or have movable parts.

(47) "pH" shall mean the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

(48) "Physical betterment" shall mean the expansion of a physical facility to increase capacity of the treatment works.

(49) "Physical obsolescence" shall mean the material deficiency of a functional element of a treatment plant to a point that repair as normal or preventive maintenance is not cost-benefit effective.

(50) "Pretreatment" shall mean the treatment of industrial sewage from privately-owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly-owned treatment works.

(51) "Private sewer" shall mean a sewer which is not owned by the Town of Woodbury.

(52) "Public sewer" shall mean a sewer which is owned and controlled by the Town of Woodbury and is separate from and does not include sewers owned by other governmental units.

(53) "Pumping station" shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

(54) "Real property" shall mean, for the purpose of the user charge, all fixed physical facilities owned by the Town of Woodbury and used in the transport and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.

(55) "Renewal costs" shall mean the expenditures from reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.

(56) "Replacement costs" shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "Operation and Maintenance Costs," as defined in § 18-407(44), includes replacement costs.

(57) "Replacement reserve" shall mean an account for the segregation of resources to meet capital consumption of personal or real property.

(58) "Retained amount" shall be the amount of money held in trust and deposit for the expansion of the facilities, together with the interest earned thereon, for the proration of the industrial cost recovery system fund.

(59) "Sanitary sewer" shall mean a sewer which carries only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants, and institutions and to which storm, surface, and ground water are not intentionally admitted.

(60) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.

(a) "Sanitary sewage" shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

(b) "Industrial sewage" shall mean a combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.

(c) "Combined sewage" shall mean wastes, including sanitary sewage, industrial sewage, stormwater, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.

(61) "Shredded garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.25 centimeters) in any dimension.

(62) "Significant industry" shall mean any industry that will contribute greater than ten percent (10%) of the design flow and/or design pollutant loading of the treatment works.

(63) "Sludge" shall mean any discharge of water or wastewater in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the allowable concentration or flows during a normal working day (i.e., 1, 2 or 3 shift operation) and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(64) "Standard methods" shall mean the laboratory procedures set forth in the following sources: Standard Method for the Examination of Water and Wastewater, 13th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; Methods for Chemical Analysis of Water and Wastes, 1971, prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; "Guidelines Establishing Test Procedures for the Analysis of Pollutants," enumerated in 40 C.F.R., para. 136.1 et seq. (1975), as amended; and/or any other procedures recognized by the U.S. Environmental Protection Agency and the Tennessee Department of Health.

(65) "Storm sewer" shall mean a sewer that carries only storm waters, surface run-off, street wash, and drainage and to which sanitary and/or industrial wastes are not intentionally admitted.

(66) "Summer quarter" shall mean the user's quarter starting in June, July, or August and ending accordingly in August, September, or October.

(67) "Suspended Solids (SS) or Total Suspended Solids (TSS)" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and is removable by laboratory filtration as prescribed in the "Standard Methods" enumerated in § 18-407(64).

(68) "Total solids" shall mean the sum of suspended and dissolved solids.

(69) "Toxic amount" shall mean concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of Public Law 92-500, as amended.

(70) "Unpolluted water" is water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(71) "Useful life" shall mean the anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be reevaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments, direct or indirect.

(72) "User charge system" shall mean the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.

(73) "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at five hundred (500) degrees Centigrade for fifteen (15) minutes.

(74) "Wastewater treatment works" shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

(75) "Watercourse" shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

(76) "Water works" shall mean all facilities for water supply, treatment, storage reservoirs, water lines, and services and booster stations for obtaining, treating, and distributing potable water. (Ord. #215-A, \_\_\_\_\_)

## CHAPTER 5

### **CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**<sup>1</sup>

#### **SECTION**

- 18-501. Definitions.
- 18-502. Standards.
- 18-503. Construction, operation, and supervision.
- 18-504. Statement required.
- 18-505. Inspections required.
- 18-506. Right of entry for inspections.
- 18-507. Correction of existing violations.
- 18-508. Use of protective devices may be required.
- 18-509. Certain water outlets to be labeled as unsafe.
- 18-510. Violations.

**18-501. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the Town of Woodbury for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual firm or association, and any municipal or private corporation

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1977 Code, § 8-301)

**18-502. Standards.** The Woodbury public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1977 Code, § 8-302)

**18-503. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection, auxiliary intake, by-pass, or interconnection to be made; or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the town manager. (1977 Code, § 8-303)

**18-504. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the town manager a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1977 Code, § 8-304)

**18-505. Inspections required.** It shall be the duty of the Woodbury Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved, shall be established by the town manager and as approved by the Tennessee Department of Health. (1977 Code, § 8-305)

**18-506. Right of entry for inspections.** The town manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Woodbury public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1977 Code, § 8-306)

**18-507. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the town manager. (1977 Code, § 8-307)

**18-508. Use of protective devices may be required.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the town manager, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the town manager prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the town manager or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises. Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance of service is critical, the town manager shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the town manager. (1977 Code, § 8-308)



**18-509. Certain water outlets to be labeled as unsafe.** The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1977 Code, § 8-309)

**18-510. Violations.** Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code. In addition to the foregoing fines and penalties, the town manager shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, in violation of this chapter and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (1977 Code, § 8-310)

**TITLE 19****ELECTRICITY AND GAS****CHAPTER**

1. ELECTRICITY.
2. GAS.

**CHAPTER 1****ELECTRICITY<sup>1</sup>****SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.<sup>2</sup> 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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<sup>1</sup>Municipal code reference  
Electrical code: title 12.

<sup>2</sup>The agreements are of record in the office of the recorder.

## CHAPTER 2

### GAS<sup>1</sup>

#### SECTION

19-201. To be furnished under franchise.

**19-201. 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.<sup>2</sup>

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<sup>1</sup>Municipal code reference  
Gas code: title 12.

<sup>2</sup>The agreements are of record in the office of the recorder.

## **TITLE 20**

### **MISCELLANEOUS**

#### **CHAPTER**

1. BROWN-SPURLOCK PARK.
2. CIVIL DEFENSE ORGANIZATION.
3. FAIR HOUSING REGULATIONS.
4. TELEPHONE FRANCHISE.
5. FALSE BURGLAR ALARM CALLS.
6. CONTROL OF OUTDOOR LIGHT FIXTURES.
7. STREET LIGHT POLICY.

#### **CHAPTER 1**

### **BROWN-SPURLOCK PARK**

#### **SECTION**

- 20-101. Vehicles limited to roadways and parking areas.
- 20-102. Speed limit.
- 20-103. Authorized hours for public use.

**20-101. Vehicles limited to roadways and parking areas.** It shall be unlawful for any person to park, drive, or permit any vehicle to be parked or driven upon any area in Brown-Spurlock Park other than on established roadways or in parking areas. (1977 Code, § 12-301)

**20-102. Speed limit.** It shall be unlawful for any person to operate any motor vehicle within the Brown-Spurlock Park at a speed in excess of fifteen (15) miles per hour. (1977 Code, § 12-302)

**20-103. Authorized hours for public use.** The park shall be open for public use between the hours of 7:30 A.M. and 10:30 P.M. When these hours have been conspicuously posted it shall be unlawful for any unauthorized person to violate them by entering or being in the park at any other time. (1977 Code, § 12-303)

## CHAPTER 2

### CIVIL DEFENSE ORGANIZATION

#### SECTION

- 20-201. Civil defense organization created.
- 20-202. Authority and responsibilities.
- 20-203. Office of director; his authority and responsibility.
- 20-204. Office of civil defense created.
- 20-205. No municipal or private liability.
- 20-206. Expenses of civil defense.

**20-201. Civil defense organization created.** There is hereby created the Town of Woodbury Civil Defense Organization, which shall be an operation by the Town of Woodbury for the purpose of organizing and directing civil defense for the citizens of the entire town. (1977 Code, § 1-1101)

**20-202. Authority and responsibilities.** In accordance with federal and state enactments of law, the Town of Woodbury Civil Defense Organization is hereby authorized to assist the regular government of the town, as may be necessary due to enemy caused emergency or natural disasters, including but not limited to storms, floods, fires, explosions, tornadoes, hurricanes, droughts, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Woodbury. The Town of Woodbury Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Town of Woodbury Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

The Town of Woodbury Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Woodbury, to establish and co-ordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1977 Code, § 1-1102)

**20-203. Office of director; his authority and responsibility.**

(1) The office of the "director of civil defense" is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor or vice mayor, or by higher authority as appropriate.

(2) The director shall have overall responsibility for the preparation of all plans and for recruitment and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state CD office.

(3) The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the chief executive officer of the town.

(4) The director shall be responsible to the chief executive officer of the town for the execution of the authorities, duties, and responsibilities of the Town of Woodbury Civil Defense Organization, for the preparation of all plans and administrative regulations, and for recruitment and training of personnel. (1977 Code, § 1-1103)

**20-204. Office of civil defense created.** The Town of Woodbury Office of Civil Defense is hereby created. The office of civil defense shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the civil defense members shall be outlined in the civil defense emergency plan. (1977 Code, § 1-1104)

**20-205. No municipal or private liability.** The duties prescribed in this chapter are an exercise by the town of its governmental functions for the protection of the public peace, health, and safety and neither the Town of Woodbury, the agents and representatives of said town, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission or for loss of, or damage to, the property of such person. (1977 Code, § 1-1105)

**20-206. Expenses of civil defense.** No person shall have the right to expend any public funds of the town in carrying out any civil defense activities authorized by this chapter without prior approval by the board of mayor and aldermen; nor shall any person have any right to bind the town by contract, agreement, or otherwise without prior and specific approval by the board of mayor and aldermen. The civil defense director shall disburse such monies as may be provided annually by appropriation of the town for the operation of the civil defense organization. Control of disbursements will be as prescribed by agreement between the treasurer of the town and the civil defense director. The civil defense director shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the town. All funds shall be disbursed upon vouchers properly executed by the director of civil defense,

subject to audit by the Town of Woodbury. The civil defense director is hereby authorized to accept contributions to the civil defense organization from individuals and other organization, such funds becoming liable for audit by the town. (1977 Code, § 1-1106)

## CHAPTER 3

### **FAIR HOUSING REGULATIONS**

#### **SECTION**

- 20-301. Policy.
- 20-302. Definitions.
- 20-303. Unlawful practice.
- 20-304. Discrimination in the sale or rental of housing.
- 20-305. Discrimination in the financing of housing.
- 20-306. Discrimination in the provisions of brokerage services.
- 20-307. Exemption.
- 20-308. Administration.
- 20-309. Education and conciliation.
- 20-310. Enforcement.
- 20-311. Investigations; subpoenas; giving of evidence.
- 20-312. Enforcement by private persons.

**20-301. Policy.** It is the policy of the Town of Woodbury, to provide, within constitutional limitations, for fair housing throughout the community. (Ord. #266, April 1996)

**20-302. Definitions.** (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale of lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

(3) "Person" includes one of more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under §§ 20-304, 20-305 or 20-306. (Ord. #266, April 1996)

**20-303. Unlawful practice.** Subject to the provisions of § 20-307(2), the prohibitions against discrimination in the sale or rental of housing set forth in § 20-304 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in § 20-304 shall apply to:

(a) Any single-family house sold or rented by an owner:  
Provided that such private individual owner does not own more than



three such single-family houses at any one time: Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at one time: Provided further that the sale or rental of any such single-family houses shall be excepted from the application of this title only if such house is sold or rented (i) without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and (ii) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-304(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) He has, within preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families. (Ord. #266, April 1996)

**20-304. Discrimination in the sale or rental of housing.** As made applicable by § 20-303 and except as exempted by §§ 20-303(2) and 20-307 it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicap.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in connection therewith, because of race, color, religion, sex, national origin, familial status, or handicap.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, or handicap, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or handicap, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status, or handicap.

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises.

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (Ord. #266, April 1996)

**20-305. Discrimination in the financing of housing.** It shall be unlawful for any bank, building and loan association, insurance company or, other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status, or handicap of such person or of any person associated with him in the connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-303(2). (Ord. #266, April 1996)

**20-306. Discrimination in the provision of brokerage services.** It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status, or handicap. (Ord. #266, April 1996)

**20-307. Exemption.** Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status, or handicap. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its member or from giving preference to its members. (Ord. #266, April 1996)

**20-308. Administration.** (1) The authority and responsibility for administering this act shall be in the Mayor of the Town of Woodbury.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the community or to boards of such employees, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this chapter. The mayor shall rule on or prescribe rights of appeal from the decisions of his hearing examiners to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the mayor to further such purposes. (Ord. #266, April 1996)

**20-309. Education and conciliation.** Immediately after the enactment of this chapter, the mayor shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. #266, April 1996)

**20-310. Enforcement.** (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor or Tennessee Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the mayor or Tennessee Human Rights Commission requires. Upon receipt of such a complaint, the mayor or Tennessee Human Rights Commission shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the mayor or Tennessee Human Rights Commission shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor or Tennessee Human Rights Commission decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the mayor or Tennessee Human Rights Commission who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the mayor or Tennessee Human Rights Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty days after a complaint is filed with the mayor or Tennessee Human Rights Commission, the mayor or Tennessee Human Rights Commission has been unable to obtain voluntary compliance with this chapter, the person aggrieved, may within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The mayor or Tennessee Human Rights Commission will assist in this filing.

(4) If the mayor or Tennessee Human Rights Commission has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory

housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the mayor or Tennessee Human Rights Commission shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #266, April 1996)

**20-311. Investigations; subpoenas; giving of evidence.** (1) In conducting an investigation, the mayor or Tennessee Human Rights Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such person as are reasonably necessary for the furtherance of the investigation; Provided, however, that the mayor or Tennessee Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor or Tennessee Human Rights Commission may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court of the district in which the investigation is taking place. The mayor or Tennessee Human Rights Commission may administer oaths.

(2) Upon written application to the mayor or Tennessee Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor or Tennessee Human Rights Commission to the same extent and subject to the same limitations as subpoenas issued by the mayor or Tennessee Human Rights Commission himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoenas of the mayor or Tennessee Human Rights Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five days after services of a subpoena upon any person, such person may petition the mayor or Tennessee Human Rights Commission to revoke or modify the subpoena. The mayor or Tennessee Human Rights Commission shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation,

that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the mayor or Tennessee Human Rights Commission or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoenas or lawful order of the mayor or Tennessee Human Rights Commission shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the mayor or Tennessee Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the mayor or Tennessee Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(7) The mayor or Tennessee Human Rights Commission attorney shall conduct all litigation in which the mayor or Tennessee Human Rights Commission participates as a party or as amicus pursuant to this chapter. (Ord. #266, April 1996)

**20-312. Enforcement by private persons.** (1) The rights granted by §§ 20-303, 20-304, 20-305 and 20-306 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or § 20-310(4) from time to time before bringing it to trial; or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, national origin, in any of the activities, services, organizations or facilities; or

(b) Affording another person or class of persons opportunity or protection so to participate; or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities, or

participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if bodily injury results, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (Ord. #266, April 1996)

**CHAPTER 4****TELEPHONE FRANCHISE****SECTION**

20-401. To be furnished under franchise.

**20-401. 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.<sup>1</sup>

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<sup>1</sup>The agreements are of record in the office of the recorder.



**CHAPTER 5****FALSE BURGLAR ALARM CALLS****SECTION**

20-501. Fees.

**20-501. Fees.** The following fees shall be enforced for the answering of false burglar alarm calls within the corporate limits of the Town of Woodbury, Tennessee:

1 - 5 calls per year	No charge
6 - 10 calls per year	\$25.00 each
Over 10 calls per year	\$50.00 each (Ord. #286, May 1998)

## CHAPTER 6

### CONTROL OF OUTDOOR LIGHT FIXTURES

#### SECTION

- 20-601. Purpose.
- 20-602. Definitions.
- 20-603. Applicability.
- 20-604. Prohibitions.
- 20-605. Light trespass.
- 20-606. Illuminance and luminance requirements.
- 20-607. Approved materials and methods of installation.
- 20-608. Temporary exemptions.
- 20-609. Violations and penalties.
- 20-610. Appeals.

**20-601. Purpose.** The governing body of the Town of Woodbury does herein find that regulation of outdoor lighting in the Town of Woodbury is necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light), and/or unnecessary sky glow; and also that such regulation is necessary to discourage the waste of electricity and to improve or maintain nighttime public safety, utility, and security. (as added by Ord. #311, Aug. 2000)

**20-602. Definitions.** (1) "Glare." The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

(2) "IESNA, Illuminating Engineering Society of North America." An organization that recommends standards for the lighting industry.

(3) "Light trespass." Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance, as specified in this chapter.

(4) "Objectional direct glare source." Any direct glare source offensively visible above a height of five (5) feet at the subject property line.

(5) "Outdoor light fixtures" means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:

- (a) Buildings and structures;
- (b) Recreational facilities;
- (c) Parking lots;

- (d) Landscape lighting;
- (e) Billboards and other signs (advertising and other);
- (f) Street lighting;
- (g) Walkway lighting.

(6) “Shielded light fixture.” A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir, through the light fixture’s lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed. (as added by Ord. #311, Aug. 2000)

**20-603. Applicability.** All outdoor light fixtures installed and thereafter maintained after passage of this chapter, other than those serving one and two family dwellings, shall comply with the requirements as specified below:

(1) Where used for security purposes or to illuminate walkways, roadways, and parking lots, only shielded light fixtures shall be used.

(2) Where used for commercial and industrial purposes such as in merchandise display areas, work areas, platforms, signs, architectural, landscape, or sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and comply with the following:

(a) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.

(b) Other upward directed architectural, landscape, or decorative directive direct light emissions shall have at least 90 percent of their total distribution pattern within the profile of the illuminated structure.

(c) Recreational and sports facility lighting shall be shielded whenever possible. Such lighting shall have directional and glare control devices, when necessary, to comply with this chapter.

(d) Externally illuminated signs including commercial billboard, building identification, or other similar illuminated signs, shall comply with the following:

(i) Top mounted light fixtures shall be shielded and are preferred.

(ii) When top mounted light fixtures are not feasible, illumination from other positioned light fixture shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.

(e) All other outdoor lighting shall use shielded light fixtures.

(3) All floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.

(4) Foundations supporting lighting poles not installed four (4) feet behind the curb shall not be less than 24 inches above ground. (as added by Ord. #311, Aug. 2000)

**20-604. Prohibitions.** (1) Recreational facility. No outdoor recreational facility, public or private, shall be illuminated after 11 P.M. except to conclude any recreational or sporting event or other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11 P.M.

(2) Outdoor building, landscaping and signs. The unshielded outdoor illumination of any building or landscaping is prohibited except with incandescent fixtures with lamps of 100 watts or less. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure and shall comply with the shielding requirements of this chapter. (as added by Ord. #311, Aug. 2000)

**20-605. Light trespass (nuisance light).** All light fixtures, except street lighting and those used on one or two family dwellings, shall be designed, installed, and maintained to prevent light trespass, as specified in (1) and (2) below.

(1) At a height of five (5) feet above the property line of subject property, illumination from light fixtures shall not exceed 0.1 footcandles in a vertical plane on residentially zoned property.

(2) Outdoor light fixtures, properly installed and thereafter maintained, shall be directed so that there will not be any objectionable direct glare source visible from any property.

Note: Commercial and/or industrial light fixtures near adjacent property may require special shielding devices to prevent light trespass. (as added by Ord. #311, Aug. 2000)

**20-606. Illuminance and luminance requirements.** Illuminance and luminance requirements shall be as set forth in the current edition of the IESNA Lighting Handbook.

(1) Street lighting. Average IESNA illuminance recommendations shall not be exceeded. IESNA average to minimum illuminance uniformity ratios are to be used as a guide for designing safe and adequate roadway lighting.

(2) Outdoor parking facilities. Outdoor parking lot illuminance shall be based on the type of use, applicable level of activity, and maintained horizontal illuminance recommended by the IESNA.

(a) All IESNA recommended minimum illuminance levels must be met.

(b) IESNA recommended uniformity ratios (average/minimum) of 4:1 shall not be exceeded.

(c) IESNA average illuminance (based on uniformity ratios) for the high and medium levels of activity shall not be exceeded. The average illuminance for the low level of activity may be increased, if desired, but not to exceed the average illuminance for the medium level of activity.

(3) All other illuminance uses shall not exceed IESNA recommendations. (as added by Ord. #311, Aug. 2000)

**20-607. Approved materials and methods of installation.** The provisions of this article are not intended to prevent the use of any material or method of installation not specifically prescribed by this article provided any such alternate has been approved. The Town of Woodbury Board of Mayor and Aldermen or, for street lighting within the right-of-way, the street department supervisor, may approve any such alternate provided that the proposed design, material or method:

(1) Provides approximate equivalence to the specific requirements of this article or;

(2) Is otherwise satisfactory and complies with the intent of this chapter. (as added by Ord. #311, Aug. 2000)

**20-608. Temporary exemptions.** (1) Information required. Any individual may submit a written request to the building official for a temporary exemption from the requirements of this chapter. The request for temporary exemption shall contain the following information:

- (a) Name, address and telephone number of the applicant;
- (b) Location of the outdoor light fixtures for which the exemption is requested;
- (c) Specific exemption(s) requested;
- (d) Use of the outdoor light fixtures involved;
- (e) Duration of the requested exemption(s);
- (f) Type of outdoor light fixture to be used, including total lumen output, character of the shielding, if any;
- (g) Previous temporary exemptions, if any;
- (h) Such other data and information as may be required by the building official.

The building official shall have five (5) business days from the date of receipt of the request for temporary exemption to approve or disapprove the request. The applicant will be notified of the decision in writing. (as added by Ord. #311, Aug. 2000)

**20-609. Violations and penalties.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any lighting structure or cause the same to be done, contrary to or in violation of any provision of this chapter. Any person, firm or corporation

violating any provision of this division shall be deemed guilty of an infraction and/or misdemeanor as hereinafter specified. Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. Any person convicted of a violation of this code shall be punished by

(1) An infraction offense and a fine not exceeding fifty dollars (\$50) for a first violation;

(2) An infraction offense and a fine not exceeding (\$200) for a second violation of the same ordinance on the same site and perpetrated by the same owner and/or agent. The third and any additional violations on the same site and perpetrated by the same owner and/or agent shall each constitute a misdemeanor offense and shall be punished by a fine not exceeding five hundred dollars (\$500) or six months in jail or both. Payment of any penalty herein provided shall not relieve a person, firm or corporation from the responsibility of correcting the condition consisting of the violation. (as added by Ord. #311, Aug. 2000)

**20-610. Appeals.** All appeals must be submitted in writing to the board of mayor and aldermen for review. The person appealing will be notified by the Town of Woodbury concerning the date and time of the appeal hearing. The hearing will be conducted at the regular meeting of the board of mayor and aldermen unless otherwise stated in the notification. (as added by Ord. #311, Aug. 2000)

## CHAPTER 7

### STREET LIGHT POLICY

#### SECTION

20-701. Purpose.

20-702. Location within the city only.

20-703. Location of lights.

20-704. Exceptions.

20-705. New installations.

**20-701. Purpose.** The following is hereby adopted as the policy for the location and installation of street lights. (as added by Ord. #326, Sept. 2001)

**20-702. Location within the city only.** Street lights paid for by the Town of Woodbury shall be located within the corporate limits only. (as added by Ord. #326, Sept. 2001)

**20-703. Location of lights.** Street lights will be provided in residential and commercial areas according to the following:

(1) Street lights shall not be placed closer than two hundred (200) feet apart or every other utility pole.

(2) Street lights shall be used to light streets only, except such lights may be placed in publicly owned parking lots and around city owned buildings and facilities.

(3) Street lights shall face the street on which they are located.

(4) Street lights shall not be provided on privately owned streets or private property. (as added by Ord. #326, Sept. 2001)

**20-704. Exceptions.** The chief of police may request or recommend that a street light not in conformance with § 20-703, (1), (2), or (3) if such light is within a high crime area or traffic hazard location. Such request must be presented in writing on a standardized form, and approved by the board of mayor and aldermen. (as added by Ord. #326, Sept. 2001)

**20-705. New installations.** Installation of new street lights will be made by the Middle Tennessee Electric Company only through a standard work request signed by the public works director. (as added by Ord. #326, Sept. 2001)