

**TITLE 20****MISCELLANEOUS****CHAPTER**

1. CODES AND HEALTH DEPARTMENT.
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3. LOCAL GOVERNMENT AGENCY ASSISTANCE.
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**CHAPTER 1****CODES AND HEALTH DEPARTMENT****SECTION**

- 20-101. Establishment.  
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**20-101. Establishment.** There is hereby established a codes and health department, to provide assistance to the planning commission and to the street and sanitation committee of the City of Manchester. The department shall consist of an administrator, and other subordinate employees, who will report to the safety committee. (1972 Code, § 1-901, as amended by Ord. #895, July 2000; Ord. #982, April 2002; and Ord. #1004, Aug. 2002)

**20-102. Objectives.** The codes and health department shall have the following objectives:

- (1) To enforce the zoning ordinances of the city.
- (2) To assure compliance with all health and sanitation ordinances of the city.
- (3) To issue and regulate building permits.
- (4) To assure compliance with the building codes of the city.
- (5) To act as fire inspector. (1972 Code, § 1-902, as amended by Ord. #1262, Feb. 2010)

**20-103. Administrator.** The administrator shall be appointed by the board of mayor and aldermen, subject to job specifications, as defined by resolution. The administrator shall serve at the will of the legislative body. (1972 Code, § 1-903, as amended by Ord. #1220, Jan. 2009)

**20-104. Powers.** The powers of the administrator shall be:

(1) Whenever necessary to make an inspection to enforce any of the provisions of the Manchester Municipal Code or whenever the administrator has reasonable cause to believe that there exists any condition or code violation which makes such building or premises unsafe, dangerous or hazardous. The administrator may enter such building at all reasonable times to inspect or to perform any duties imposed upon him, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

(2) When the administrator shall have obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry for the purpose of inspection and examination pursuant to the code.

(3) Upon notice from the administrator, work on any system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the administrator shall not be required to give a written notice prior to stopping the work.

(4) The administrator may revoke a permit or approval, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(5) The administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the code.

(6) All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

(7) Any other powers consistent with the enforcement of codes, zoning, street or sanitation ordinances of the City of Manchester. (1972 Code, § 1-904)

**20-105. Duties.** The duties of the administrator shall be:

(1) To issue building permits.

- (2) To perform the necessary inspections to insure code and zoning compliance.
- (3) To enforce code, zoning and sanitation ordinances.
- (4) To serve as health officer of the city.
- (5) To review and apply all ordinances of the city, and to recommend changes to applicable codes, policies and procedures.
- (6) To attend planning commission meetings and meetings of the street and sanitation committee and acts as liaison to the mayor. (1972 Code, § 1-905)

## CHAPTER 2

### RENTAL OF CITY EQUIPMENT

#### SECTION

20-201. Street department authorized to charge for miscellaneous services.

20-202. Street sweeper.

**20-201. Street department authorized to charge for miscellaneous services.** The City of Manchester, Tennessee is authorized to rent street equipment or perform services based on the labor and equipment rates then charged the State of Tennessee, Department of Transportation, with a one (1) hour minimum charge.

(1) Labor or equipment may be rented for the benefit of a private citizen, a for-profit corporation, a partnership or any other business, only if it is necessary to bring the property into compliance with current city ordinances, or for drainage purposes, or in accordance with § 20-202. In no event shall inmate labor be used on private property.

(2) Rented equipment may be used only inside the corporate limits and shall be operated only by authorized city employees and during their regular working hours unless written permission is first received from at least two (2) members of the Street and Sanitation Committee.

(3) The owner of property upon which said equipment shall be operated must agree to and sign a statement prior to the beginning of work waiving any liability on the part of the City of Manchester for damages to personal or real property and must execute a hold harmless agreement, holding the City of Manchester harmless from any damages or personal injury resulting proximately from the operation of said equipment on the owner's estate.

(4) Payment for work done shall be due and payable within thirty (30) days of billing and if unpaid after that time, a ten (10) percent penalty shall be added and the total amount represented by the billing and penalty shall be placed on the real or personal property tax roles of the City of Manchester, Tennessee and assessed against the real estate on which the work was performed and shall be collected in the same manner as other city property taxes or by civil action in the same manner as the collection of debt at the option of the city. If the charges are referred to the city attorney's office for collection as a civil debt, an attorney's fee may be added in the discretion of the Court. (1972 Code, § 1-1401)

**20-202. Street sweeper.** The City of Manchester, Tennessee, is authorized to rent its street sweeper if used inside the corporate limits and operated by authorized city employees either during or after regular working hours, either on public property or for the benefit of a private citizen, a for-profit

corporation, a partnership or any other business if the party renting the equipment agrees to pay the labor and equipment rates then charged by the State of Tennessee, Department of Transportation, with a two hour minimum charge and complies with the provisions of § 20-201(3) and (4). (1972 Code, § 1-1402)

## CHAPTER 3

### LOCAL GOVERNMENT EMERGENCY ASSISTANCE

#### SECTION

20-301. Definitions.

20-302. Requesting assistance.

20-303. Responding to a request for emergency assistance.

**20-301. Definitions.** (1) "Emergency assistance" as defined in the Local Government Emergency Assistance Act of 1987 shall mean fire fighting assistance, law enforcement assistance, public works assistance, emergency medical assistance, civil defense assistance, or other emergency assistance provided by local government or any combination or all of these requested by a local government in an emergency situation in which the sources of the requesting local government are not adequate to handle the emergency.

(2) "Local government" shall mean any incorporated city or town, metropolitan government, county utility district, metropolitan airport authority, or other regional district or authority.

(3) "Requesting party" means a local government which requests emergency assistance.

(4) "Responding party" means a local government which responds to a request for emergency assistance.

(5) "Appropriate senior officer" shall mean the department head, or the officer in charge of a shift when the request for assistance is made. (1972 Code, § 1-1801)

**20-302. Requesting assistance.** All requests for emergency assistance made on behalf of the City of Manchester shall be made or authorized by the senior officer of the requesting agency. The City of Manchester through its appropriate senior officer, in accordance with the provisions of the Local Government Emergency Assistance Act of 1987, will be in full command of its emergency as to strategy, tactics, and overall direction of the operation and shall direct the actions of the responding party by relaying orders to the senior officer in command of the responding party.

The City of Manchester accepts liability for damages or injuries, as defined in Tennessee Code Annotated, § 29-20-101 et seq., caused by the negligence of its employees or the employees (including authorized volunteers) of a responding party while under the command of the senior officer of the City of Manchester. However, the City of Manchester does not accept liability for damages to the equipment or personnel (including authorized volunteers) of a responding party, nor is the City of Manchester liable for any damages caused by the negligence of the personnel of the responding party while enroute to or returning from the scene of the emergency.

The City of Manchester acknowledges that any party from whom assistance is requested has no duty to respond nor does it have any duty to stay at the scene of the emergency and may depart at its discretion. (1972 Code, § 1-1802)

**20-303. Responding to a request for emergency assistance.** The City of Manchester will respond to calls for emergency assistance only upon request for such assistance made by the appropriate senior officer on duty for the requesting city. All requests for emergency assistance shall be made only to the senior officer of the appropriate department of the City of Manchester.

Upon the receipt of a request for aid as provided for in the preceding paragraph the city is authorized to respond as follows:

(1) The city is authorized to provide at least one (1) piece of equipment and one (1) person or crew from that particular service area from which emergency assistance is requested.

(2) The greatest response that the city will provide is fifty percent (50%) of the personnel and resources of that particular service for which emergency assistance is requested. The city response shall be determined by the severity of the emergency in the requesting party's jurisdiction as senior officer of the requesting party.

The City of Manchester has no duty to respond to a request and will reject a request for emergency assistance or will depart from the scene of the emergency based upon the discretionary judgment of the appropriate senior officer in command at the scene of the emergency or the appropriate senior officer for that service for the City of Manchester. In cases where two or more requests for emergency assistance are made at the same time, the appropriate senior officer of the City of Manchester shall determine, based upon a reasonable appraisal of the emergencies of the requesting jurisdictions, how best to respond to the requests. The appropriate senior officer may determine to send all available resources to the jurisdiction with the most dire emergency, or may send some resources to each requesting jurisdiction.

The city accepts full liability, as defined in Tennessee Code Annotated, § 29-20-101 et seq., for any damages for its equipment and personnel in responding to a request for emergency assistance and for damages caused by its equipment or personnel while enroute to or returning from the scene of the emergency. However, the city shall not be liable for any property damage or bodily injury at the actual scene of any emergency due to actions which are performed in responding to a request for emergency assistance.

The personnel of the City of Manchester shall have extended to any geographic area necessary as a result of a request for emergency assistance the same jurisdiction, authority, rights, privileges, and immunities, including coverage under the Worker's Compensation Laws, which they have in the City of Manchester.

Emergency assistance requests or responses will be made only with those local governments that have also adopted policies and procedures that govern their actions during such requests or responses. (1972 Code, § 1-1803)

## CHAPTER 4

### MISCELLANEOUS

#### SECTION

- 20-401. No utilities to be furnished without approval of building inspector.
- 20-402. Regulations binding upon plumbers and contractors.
- 20-403. Restricted use of fire hydrants.
- 20-404. False alarm fees.
- 20-405. Maximum number of nonresident students permitted to attend city schools by virtue of payment of tuition.
- 20-406. When newspaper advertisement is required.
- 20-407. Fees for use of recreation center swimming pool.

**20-401. No utilities to be furnished without approval of building inspector.** (1) Building permit required. A public or private utility department, company, or corporation shall not connect utilities to a building or structure until the property owner shall present a valid building permit, signed by the building inspector, for that structure.

(2) Certificate of occupancy required. A public or private utility department, company, or corporation shall not begin service, turn on water, electricity, or gas, or in any way furnish service to a structure until the property owner shall present a valid certificate of occupancy, signed by the building inspector, for that structure.

(3) Mobile home permit required. A public or private utility department, company, or corporation shall not begin service, turn on water, electricity, or gas, or in any way furnish service to a mobile home until the mobile home owner or lessee shall present a valid mobile home permit, signed by the building inspector.

(4) Enforcement. It shall be the duty and responsibility of the building inspector to enforce and administer the provisions of this section.

(5) Violations. Any person or corporation who violates the provisions of this section, or fails to perform the reasonable requirements of the city building inspector after receipt of thirty (30) days written notice of such requirements, shall be guilty of a misdemeanor.

If a utility department, company, or corporation does connect with the system of a structure or initiates service in violation of this section, the city building inspector shall direct that department, company, or corporation to close the connection and discontinue service at the department, company, or corporation's expense. (1972 Code, § 13-603)

**20-402. Regulations binding upon plumbers and contractors.** Any section of this chapter which applies to construction and repair shall be as

binding upon the plumbers and contractors as upon the owner and consumer. (1972 Code, § 13-604)

**20-403. Restricted use of fire hydrants.** Any fire hydrant not capable of producing a flow of 500 gallons per minute while providing a minimum residual pressure of 20 pounds per square inch at all points along the line shall be painted yellow, and pumper type fire trucks shall not be allowed to connect to those fire hydrants. (1972 Code, § 13-605)

**20-404. False alarm fees.** Whenever a police or fire alarm is activated that requires an emergency response to the location by either the police department or the fire department, then the officer responding to the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response is in fact required as indicated by the alarm system or whether in some way the alarm system has malfunctioned and activated a false alarm.

It is hereby found and determined that all false alarms constitute a public nuisance and charges for those false alarms shall be \$25.00 for each alarm except those caused by violent acts of nature, provided however that each alarm user shall not be charged for the first two false alarms of each calendar year.

The service charge for answering a false alarm shall be billed and payment made within thirty days from the date of the billing. Failure to make payments within thirty days from date of the billing shall result in a discontinuance of the police or fire response to the alarm, and disconnection without further notice to the property owner.

The penalty for monitoring alarm systems shall increase or decrease automatically in compliance with state law as codified by T.C.A. § 62-32-321. (1972 Code, § 13-606)

**20-405. Maximum number of nonresident students permitted to attend city schools by virtue of payment of tuition.** The maximum number of nonresident students permitted to attend Manchester City Schools by virtue of payment of tuition shall be established as twenty percent (20%). (as added by Ord. #1510, January 2017)

**20-406. When newspaper advertisement is required.** Where any provision of this code requires newspaper advertisement and advertisement in a newspaper is not required by state or federal law or due to the requirement of any grant or similar program to which the advertisement applies; the mayor may direct another form of advertisement as the circumstances may warrant including but not limited to posting on the city's website, radio or a combination. Any state, federal or grant advertising requirements is not affected by this ordinance. (as added by Ord. #1605, Nov. 2020 *Ch21\_07-05-22*)

**20-407. Fees for use of recreation center swimming pool.** The following fee schedule shall apply to rental of three to eight (3-8) lanes of the "laned" pool:

- (1) The city will provide two (2) lifeguards.
- (2) Attendance is limited to a total of twenty-five (25) people in the pool and/or on the pool deck.
- (3) The fee will be the hourly rate paid by the city to lifeguards multiplied by the number of lifeguards actually assigned to the event which shall be no less than two (2). At the time this section is enacted, the rate is nine dollars (\$9.00) per hour lifeguard; however if the rate increases, the fee increases.
- (4) In the event a user anticipates more than twenty-five (25) people participating in the water and on the deck; it shall notify the recreation director who may add additional lifeguards with a concomitant increase in per hour fee.
- (5) There shall be a cancellation fee of one (1) hour's fee (two (2) times the lifeguard hourly rate) if the user cancels any event or reservation less than forty-eight (48) hours before its scheduled start absent exigent circumstances.
- (6) All reserved times shall be approved by the recreation director.
- (7) The recreation director may refuse to allow a group or individual to participate under this fee structure due to past violations of any recreation center rules.
- (8) The per-hour fee will not be prorated or reduced by the use of the lane pool by others if lanes are not utilized by the reserving/renting person or group.
- (9) In the event an organization or group wishes to hold a swim "meet" or competition allowing persons not members to participate; the fee is ten dollars (\$10.00) per lane per hour.
- (10) This fee structure is available only for individual usage or non-profit organizations or group. It is not available for commercial or profit-making uses. (as added by Ord. #1672, May 2022 ***Ch22\_040-04-23***)