

**THE
BULLS GAP
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

November 2017

TOWN OF BULLS GAP, TENNESSEE

MAYOR

Michael Solomon

VICE MAYOR

Jimmy Sexton

ALDERMEN

Betsy Shipley
Gaylon Williams
Susan Williams

RECORDER

Lorraine Heck

PREFACE

The Town of Bulls Gap Municipal Code contains the codification and revision of the ordinances of the Town of Bulls Gap, 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 § 2-106.

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

Following this preface is an outline of the ordinance adoption procedures, if any, prescribed by the city's/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 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city/town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city/town agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

The able assistance of the codes team: Kelley Myers and Nancy Gibson is gratefully acknowledged.

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
CITY/TOWN CHARTER**

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

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

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.

¹Charter references

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

Municipal code references

Building inspector: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
Zoning: title 14.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN¹

SECTION

1-101. Time and place of regular meetings.

1-102. Order of business.

1-103. General rules of order.

1-104. Municipal elections and terms of office.

1-105. Town personnel.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 4:00 P.M. on the 3rd Monday of each month at the town hall. (1996 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.
- (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, aldermen, and other officers.

¹Charter references

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

Town administrator: § 6-4-101.

Compensation: § 6-3-109.

Duties of mayor: § 6-3-106.

Election of the board: § 6-3-104.

Oath: § 6-3-105.

Ordinance procedure

Publication: § 6-2-101.

Readings: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-mayor: § 6-3-107.

- (7) Old business.
- (8) New business.
- (9) Adjournment. (1996 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. (1996 Code, § 1-103, modified)

1-104. Municipal elections and terms of office. The election of town officials shall be held on the second Saturday of June in each odd numbered year. The town officials shall consist of a mayor and four (4) aldermen elected at large to serve for a term of four years or until their successors are named. Their terms of office shall begin on July 1 next after their election.

(1996 Code, § 1-104, as amended by Ord. #03-17-14-01, _____, modified)

1-105. Town personnel. The board of mayor and aldermen shall employ, promote and discharge all employees and department heads. (1996 Code, § 1-105)

CHAPTER 2**MAYOR¹****SECTION**

- 1-201. Generally supervises town's affairs.
1-202. Executes town's contracts.
1-203. Duties as town administrator.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1996 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts authorized by the board of mayor and aldermen. (1996 Code, § 1-202)

1-203. Duties as town administrator. The mayor or the mayor's designee, shall perform the duties of town administrator as described in *Tennessee Code Annotated*, § 6-4-101. (1996 Code, § 1-203)

¹Charter references

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

Vacancies in office: § 6-3-107.

Vice-mayor: § 6-3-107.

CHAPTER 3**RECORDER**¹**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 in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1996 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 the original copy of all ordinances in a separate ordinance book. (1996 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, 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. (1996 Code, § 1-303)

¹Charter references

Recorder: §§ 6-4-201 *et seq.*

Recorder as treasurer: § 6-4-401(c).

Recorder as judge: § 6-4-301(b)(1)(C).

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

TOWN JUDGE

SECTION

3-101. Town judge.

3-101. Town judge. The board of mayor and aldermen shall appoint an individual, who shall be known as the town judge, to preside over the town court. The town judge shall serve at the pleasure of the board of mayor and aldermen. (1996 Code, § 3-101)

¹Charter references

Town judge--Town court: § 6-4-301.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

3-203. Disposition and report of fines, penalties, and costs.

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The court clerk shall keep a complete docket of all matters coming before the town court. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; and all other information that may be relevant. (1996 Code, § 3-201, modified)

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

In all cases heard or determined by him, the town judge shall tax as the bill of costs the sum of ten dollars (\$10.00).¹ (1996 Code, § 3-202, modified)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month, he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1996 Code, § 3-203)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1996 Code, § 3-204)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the town court is in session or the town judge

¹State law reference

Tennessee Code Annotated, § 8-21-401.

is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1996 Code, § 3-205)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may, in his discretion, issue a summons ordering the alleged offender to personally appear before the town court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1996 Code, § 3-302, modified)

3-302. Issuance of subpoenas. The town judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1996 Code, § 3-303)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1996 Code, § 3-402)

3-402. Bond amounts, conditions, and forms. An appeal bond in any case shall be in the sum of two hundred fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1996 Code, § 3-403, modified)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. TOWN EMPLOYEE PERSONNEL POLICIES, REGULATIONS, ETC.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

TOWN EMPLOYEE PERSONNEL POLICIES, REGULATIONS, ETC.

SECTION

- 4-101. Personnel policies, regulations and administrative procedures.
- 4-102. Coverage.
- 4-103. Administration.
- 4-104. Employee at-will status.

4-101. Personnel policies, regulations and administrative procedures. The board of mayor and aldermen shall develop all rules and regulations deemed necessary by the board for the effective administration of the personnel system. All policies adopted by the board, or amendments to existing policies adopted by the board, shall be adopted in written form and compiled in the form of an employee's handbook. (1996 Code, § 4-201)

4-102. Coverage. All offices and positions of the town are divided into one (1) of two (2) categories, classified service and 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 placed in the exempt service include: all elected officials; members of appointed boards or commissions; consultants, advisers, legal counsel and other such professional services; independent contractors and individuals operating under employment contracts with the town; the town judge; the town building inspector. (1996 Code, § 4-202)

4-103. Administration. The personnel system shall be administered by the mayor, or the mayor's designee, who shall have the following duties and responsibilities:

- (1) Prepare and recommend to the board policies and procedures to develop an effective personnel administration system subject to the provisions of town ordinances, the town charter, and federal and state laws relating to personnel administration.

(2) Maintain records of all employees subject to the provisions of the personnel administration system.

(3) Make certain that all employees receive copies of all policies, procedures and regulations, or subsequent amendments, in the form of an employee handbook.

(4) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the board. (1996 Code, § 4-203)

4-104. Employee at-will status. Nothing in the provisions of the Bulls Gap Municipal Code, as written, or in any policies adopted in accordance with this chapter shall be interpreted as granting property rights to any employee of the town and all employees shall be considered at-will employees. (1996 Code, § 4-204)

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-201. Title.
- 4-202. Purpose.
- 4-203. Coverage.
- 4-204. Standards authorized.
- 4-205. Variances from standards authorized.
- 4-206. Administration.
- 4-207. Funding the program.

4-201. Title. This section shall be known as the occupational safety and health program plan for the employees of the Town of Bulls Gap.

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

- (1) Provide a safe and healthful place and condition of employment that includes:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze of the worksite to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

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

4-203. Coverage. The provisions of the occupational safety and health program plan for the employees of the Town of Bulls Gap shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Bulls Gap whether part-time for full-time, seasonal or permanent.

4-204. Standards authorized. The occupational safety and health standards adopted by the Town of Bulls Gap 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 3).

4-205. Variations from standards authorized. The Town of Bulls Gap may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-01-02, as authorized by *Tennessee Code Annotated*, title 50. Prior to requesting such temporary variance, the recorder 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 shall be deemed sufficient notice to employees.

4-206. Administration. For the purposes of this chapter, the recorder, 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 for the Town of Bulls Gap program. The director shall develop a plan of operation for the program in accordance with the rules of the Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by *Tennessee Code Annotated*, title 50.

4-207. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Town of Bulls Gap.

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Enforcement.
- 4-302. Travel policy.
- 4-303. Travel reimbursement rate schedule.
- 4-304. Administrative procedures.

4-301. Enforcement. The mayor shall be considered the Chief Administrative Officer (CAO) of the town and shall be responsible for the enforcement of this chapter and these travel regulations. (1996 Code, § 4-401)

4-302. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" 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 any 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 CAO. 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 CAO 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 official town business for which travel was authorized; and

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances. Expenses considered excessive won't be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, telephone 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 are not ordinarily considered eligible expenses for reimbursement. (1996 Code, § 4-402)

4-303. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates in effect at the time the expenses are incurred. The town's travel 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. (1996 Code, § 4-403)

4-304. 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 of the Town of Bulls Gap, Tennessee.

This chapter shall take effect upon its final passage by the board of mayor and aldermen of the Town of Bulls Gap, Tennessee, and the publication of the caption of the chapter in a newspaper of general circulation in the town, the public welfare requiring it. (1996 Code, § 4-404)

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. MISCELLANEOUS.
2. WHOLESALE BEER TAX.

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

- 5-101. Official depository for town funds.
- 5-102. Fiscal year.
- 5-103. Expenditures.
- 5-104. Budget.

5-101. Official depository for town funds. The Bank of Bulls Gap shall be the official depository for all town funds. (1996 Code, § 5-101)

5-102. Fiscal year. The fiscal year shall begin on July 1 and end on June 30 of the following calendar year. (1996 Code, § 5-102)

5-103. Expenditures. (1) The mayor shall act as purchasing agent for the town in the purchase of all materials, supplies and equipment for the proper conduct of the town's business. All purchases shall be made in accordance with the Municipal Purchasing Law of 1983 (*Tennessee Code Annotated*, §§ 6-56-301 to 306) and the administrative policies and procedures adopted by the board.

(2) Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of four thousand dollars (\$4,000.00) except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Law of 1983.

(3) All expenditures shall be made using checks signed by the mayor and countersigned by the treasurer. (1996 Code, § 5-103)

¹Charter references

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

5-104. Budget. It shall be the duty of the mayor, on or before the board's final regular meeting date of each fiscal year, to present to the board a tentative budget for the ensuing year.

Such budget shall be adopted in accordance with the provisions of *Tennessee Code Annotated*, § 6-2-103 and all applicable laws. (1996 Code, § 5-104)

CHAPTER 2**WHOLESALE BEER TAX****SECTION**

5-201. To be collected.

5-201. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in *Tennessee Code Annotated*, title 57, chapter 6. (1996 Code, § 5-201)

TITLE 6**LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST¹****SECTION**

6-101. Creation and regulation of police department.

6-102. Chief of police and department personnel.

6-103. Duties and authority of chief of police.

6-104. Police department records.

6-101. Creation and regulation of police department. Under the authority of the general powers granted to municipalities in accordance with *Tennessee Code Annotated*, § 6-2-201 and in order to protect the life and property of the citizens of Bulls Gap and to enforce all state laws and municipal ordinances the board of mayor and aldermen may establish and allocate funding for a municipal police department.

The board of mayor and aldermen shall be responsible for the creation, adoption, revision and/or revocation of all local rules, policies, guidelines and procedures for the government, discipline and administration of a municipal police department. (1996 Code, § 6-101)

6-102. Chief of police and department personnel. The board of mayor and aldermen may appoint a chief of the police, to administer the affairs of the police department. The appointment of the chief of police and all other personnel and staffing decisions shall be the responsibility of the board of mayor and aldermen. All employees shall be hired, promoted, disciplined, suspended and discharged in accordance with the personnel and departmental policies and procedures, if any, adopted by the board of mayor and aldermen. Nothing in this section shall be construed as granting a property interest to the chief of police or any department employee in their continued employment or shall be interpreted as changing the "at will" status of employees of the municipality. (1996 Code, § 6-102)

¹Municipal code reference

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

6-103. Duties and authority of chief of police. The chief of police shall be responsible for the supervision of the municipal police department.

The duties of the chief of police shall include, but not be limited to, overseeing the department's responsibilities for the preservation of life and property, the preservation of law and order and the enforcement of state laws and municipal ordinances; establishing training programs; maintaining records related to the duties and functions of the police department; providing traffic control and enforcement; cooperating with other law enforcement agencies and jurisdictions; administering all rules, policies, guidelines and procedures adopted by the board of mayor and aldermen; making certain the department complies with all current applicable laws and regulations; and reporting monthly to the board of mayor and aldermen concerning the activities of the department and all personnel.

The chief shall also perform such other duties as may from time to time be designated by the board of mayor and aldermen and shall provide advice to the board on matters pertaining to the operation and staffing of the police department. (1996 Code, § 6-103)

6-104. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

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

(2) All arrests made by police officers.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1996 Code, § 6-107)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall include that area of the town zoned as the central business district. (1996 Code, § 7-101)

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Modifications.
- 7-204. Gasoline trucks.
- 7-205. Variances.
- 7-206. Available in recorder's office.
- 7-207. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the *International Fire Code*,² 2012 edition, and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. Said fire code is shall be controlling within the corporate limits.

7-202. Enforcement. The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal.

7-203. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline.

7-204. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire code upon application in writing by any property owner or lessee, or the duly

¹Municipal code reference

Building, utility and residential codes: title 12.

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

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.

7-205. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

7-206. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws², and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any beer within this town. "Beer" shall be defined to include all beers, ales, or malt liquor as defined in *Tennessee Code Annotated*, § 57-5-101.

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, § 39-17-701, *et seq.*

CHAPTER 2

BEER¹

SECTION

- 8-201. Creation, duties, and powers of the beer board.
- 8-202. Organization and meetings of the beer board.
- 8-203. "Beer" defined.
- 8-204. Permit required for engaging in beer business.
- 8-205. Application for beer permit.
- 8-206. Approval and issuance of beer permit.
- 8-207. Privilege tax.
- 8-208. Restrictions on the use of beer permits.
- 8-209. Permits for the retail sale of beer.
- 8-210. Display of beer permits.
- 8-211. Advertising the sale or distribution of beer.
- 8-212. Restrictions on the sale of beer.
- 8-213. Revocation or suspension of beer permits.
- 8-214. Sale of beer to intoxicated persons prohibited.
- 8-215. Regulation of the possession of beer.
- 8-216. Inspection of beer businesses and premises.
- 8-217. Civil penalty in lieu of revocation or suspension.
- 8-217. Violations and penalty.

8-201. Creation, duties, and powers of the beer board. There is hereby established a board, which shall be known and designated as the "Beer Board of the Town of Bulls Gap, Tennessee," hereinafter referred to as the "board." The board shall be comprised of all five (5) members of the Bulls Gap board of mayor and aldermen, who shall serve without additional compensation.

It shall be the duty and responsibility of the board to regulate and supervise the issuance of permits to manufacture, store for sale, distribute and/or sell beer and other similar beverages, as defined by this chapter of the Bulls Gap Municipal Code, to the persons and in the manner provided by the provisions of this chapter.

It is hereby declared that the manufacture, storage for sale, distribution and/or sale of beer within the municipality of Bulls Gap is a privilege and the board is hereby empowered with complete discretion to issue, revoke, and

¹State law reference

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

suspend all permits for purposes authorized under this chapter and to levy fines as authorized by this chapter.

The board may deny the issuance of any of any permit whenever the board determines that such issuance would be detrimental to the public health, safety and/or morals of the community. The board may likewise suspend or revoke the permit of any permit holder who violates any of the laws of the United States, the State of Tennessee, or the ordinances of the Town of Bulls Gap, or whenever, after notice and public hearing, it shall satisfactorily appear that the premises or business of any permit holder is being maintained and operated in such a manner as to be detrimental to the public health, safety and/or morals of the community.

Where a permit is revoked, no new permit shall be issued to such permit holder nor issued to any other applicant for the manufacture, storage for sale, distribution and/or sale of beer on the same premises until after the expiration of one (1) year from the date said revocation becomes final and effective. (1996 Code, § 8-201)

8-202. Organization and meetings of the beer board. All meetings of the beer board shall be open to the public. A chairman shall be elected annually by the board from among its members. The board shall hold meetings in the Bulls Gap Town Hall at such times as it shall prescribe. When there is business to come before the board, a special meeting may be called by the chairman, provided adequate notice is given to all board members and to the general public.

The recorder shall make a record of the proceedings of all meetings of the board. The record shall be a public record and shall contain at least the following: the date and time of each meeting; the names of board members present and absent; the names of members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each permit issued by the board.

The attendance of at least a majority of the members of the board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by majority vote of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1996 Code, § 8-202)

8-203. "Beer" defined. The term "beer" as used in this chapter shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-101.

8-204. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, and/or sell beer from a location in the Town of Bulls Gap without first making application to and obtaining a permit from the board. The application shall be made on such form

as the board shall prescribe and furnish and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a check or money order payable to the Town of Bulls Gap, Tennessee. Each applicant must be a person of good moral character and certify that he has read and is familiar with all the provisions of the applicable section of the Bulls Gap Municipal Code. (1996 Code, § 8-204)

8-205. Application for beer permit. (1) All persons, firms, corporations, or associations who shall desire to manufacture, store for sale, distribute and/or sell beer shall apply in writing to the board, under oath, on a form prescribed by it for a permit to manufacture, store for sale, distribute and/or sale beer within the corporate limits, in which written application shall be established the following:

(a) That neither the applicant nor any person or persons employed by the applicant in such manufacture, storage for sale, distribution and/or sale has been convicted of any violation of the beer or alcoholic beverage laws of the State of Tennessee or any crime involving moral turpitude within the past ten (10) years;

(b) That the permit shall not be for the manufacture, storage, distribution and/or sale of beer from any structure located within one thousand five hundred feet (1,500'), as measured in a straight line from the nearest point of each structure, of any school building (public or private) or any church;

(c) That the permit shall not be for the manufacture, storage, distribution and/or sale of beer from any structure located within one hundred fifty feet (150'), as measured in a straight line from the nearest point of each structure, of any residential dwelling if the owner of the dwelling, upon notification of the permit application, notifies the board of an objection to the issuance of the permit prior to the board's decision to issue the permit;

(d) That the permit applicant shall submit to the board a copy of the applicant's Tennessee Department of Revenue sales tax registration certificate;

(e) That no sale, distribution, or consumption of such beverages will be made at places where pool or billiards are played; provided, however, nothing in this section shall prevent the sale, distribution, or consumption of such beverages in the front of such room or place if a solid partition or wall separates the plate from the pool or billiard parlor;

(f) That no sale or distribution of such beverages will be made at places operating a dance hall in conjunction therewith, or where dancing is allowed or permitted;

(g) That no sale or distribution of such beverages will be made except at places where such sale or distribution will not cause congestion

of traffic or interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety, and morals;

(h) That in the place of business where such beverages will be sold or distributed, the consumption of any beverages other than beer and/or ale shall not be allowed;

(i) That in the place of business where such beverages will be sold or distributed proper sanitary facilities shall be provided;

(j) That the applicant is of good character and has a suitable location to conduct said place of business;

(k) That proper visibility in the front windows shall be maintained from a height from the pavement of at least five feet (5');

(l) That in the place of business where such beverages will be sold or distributed, no loud, unusual, or obnoxious noises shall be allowed, and that the applicant shall conduct such place of business otherwise in an orderly, peaceable, and lawful manner.

(m) That the applicant is at least twenty-one (21) years of age.

(n) That the business location to be used for the purposes of selling beer or other such beverages shall be in an area zoned for business.

(2) The applicant shall state distinctly whether the person so applying will conduct the business in person, or whether he is acting as agent for any other person, firm, corporation, or association, and shall also state specifically the name of the owner or owners of such business and whether a wholesale or retail sale or distribution will be made.

(3) The application shall at all times be kept on file by the board and shall be open to inspection of the general public. Any person, firm, corporation, or association making any false statement in his application shall forfeit his permit and shall not be eligible to receive any permit for a period of ten (10) years thereafter. (1996 Code, § 8-205)

8-206. Approval and issuance of beer permit. Upon the filing of a written application for a beer permit with the chairman of the beer board, it shall be carefully examined by the board, and a record of the action thereon shall be kept in writing as a part of the regular proceedings of the board. Upon favorable action by the board on any applications submitted to it, a permit shall be issued to the applicant. The permit shall bear the name of the chairman of the board and the date of its issuance.

The permit thus obtained shall remain in full force and effect until its revocation by the board in the manner prescribed in this chapter.

No permit to engage in the business regulated by this chapter shall be granted to any person, persons, firm, corporation, or association unless such applicant can comply with all of the provisions of § 8-205. (1996 Code, § 8-206)

8-207. Privilege tax. There is hereby imposed on the business of manufacturing, storing for sale, distributing and/or selling beer an annual privilege tax of one hundred dollars (\$100.00). Any permit holder shall remit the tax on January 1, 1994, and by each successive January 1, to the Town of Bulls Gap. At such time as a new permit is issued to any business or individual subject to the tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1996 Code, § 8-207)

8-208. Restrictions on the use of beer permits. (1) Beer permits when issued shall not be transferrable to any other person, firm, corporation, or association.

(2) When any person shall move the location of the place of business where beer is manufactured, stored, distributed and/or sold, then the permit holder shall be required to obtain a new permit in the manner provided in this chapter, including the payment of the application fee and the privilege tax.

(3) A separate beer permit shall be obtained for each location at which or from which any application is to manufacture, store, distribute, and/or sell beer.

(4) A permit holder shall return the permit to the board within fifteen (15) days of the termination of business, change in ownership, relocation or change in the business establishment's name. (1996 Code, § 8-208)

8-209. Permits for the retail sale of beer. Permits for the retail sale of beer shall be restricted to the sale of beer to be consumed off the premises and the number of retail permits for off premises consumption shall be limited to four (4). (1996 Code, § 8-209)

8-210. Display of beer permits. All permittees shall display and keep displayed their beer permits in a conspicuous place on the premises where they are licensed to conduct business. (1996 Code, § 8-210)

8-211. Advertising the sale or distribution of beer. It shall be unlawful for more than one (1) sign, advertising the sale or distribution of beer or alcoholic beverages, to be displayed in the front of and including the exterior of any establishment conducting the sale or distribution of beer. It shall further be unlawful for the size of said sign indicating the sale or distribution of beer to be larger than twelve inches by eighteen inches (12" x 18"). (1996 Code, § 8-211)

8-212. Restrictions on the sale of beer. (1) No manufacturer, distributor, or warehouseman shall sell to anyone except to a licensed beer dealer.

(2) It shall be unlawful for any person, firm, corporation, or association, engaged in the business regulated by this chapter:

- (a) To make or permit to be made any sales or distribution of such beverages to minors;
- (b) To employ minors directly in the sale or distribution of such beverages or permit minors to loiter on the premises;
- (c) To sell or distribute such beverages to persons intoxicated or under the influence of intoxicating beverages;
- (d) To employ any person in the sale, storage, manufacture, or distribution of such beverages except citizens of the United States;
- (e) To fail to provide proper sanitary facilities and visibility in front windows;
- (f) To sell or distribute such beverages at any place where pool or billiards are played unless the sale or distribution or consumption of such beverages is made in the front of such room or place where a solid partition or wall separates the place from the pool or billiard parlor;
- (g) To sell or distribute such beverages at any place where a dance hall is operated or where dancing is allowed or permitted;
- (h) To employ any person who has been convicted of any violation of the state statutes prohibiting the possession, sale, manufacture, or transportation of intoxicating liquor, or any other crime involving moral turpitude, within the past ten (10) years.

Provided, however, that nothing in this section shall prevent the sale and distribution of such beverages in hotel rooms of regularly conducted hotels and in regularly incorporated clubs and lodges. (1996 Code, § 8-212, modified)

8-213. Revocation or suspension of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

Pursuant to *Tennessee Code Annotated*, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of *Tennessee Code Annotated*, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under *Tennessee Code Annotated*, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board

has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

8-214. Sale of beer to intoxicated persons prohibited. It shall be unlawful for any permittee or licensee to make, permit, or allow to be made any sale of beer to any person who is intoxicated. (1996 Code, § 8-214)

8-215. Regulation of the possession of beer. It shall be unlawful for any person to possess within the corporate limits more than one case of beer without a permit. A case of beer, for purposes of this section, is defined as being the quantity contained in twenty-four (24) twelve (12) oz. cans, containers, or the equivalent thereof.

It shall be unlawful for any person to possess open cans, bottles, or containers of beer in motor vehicles or upon the public streets, sidewalks, or other public places within the corporate limits not otherwise permitted by this chapter. (1996 Code, § 8-215)

8-216. Inspection of beer businesses and premises. It shall be the duty of the police department or of any special police officers appointed by the mayor to inspect the place of business and premises of the holders of permits under this chapter, and it shall be unlawful for any permittee to refuse to permit any such inspection during any such time that such place is open for business. (1996 Code, § 8-216)

8-217. Civil penalty in lieu of revocation or suspension.

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

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

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

¹State law reference

Tennessee Code Annotated, § 57-5-108(2).

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

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

8-217. Violations and penalty. Except as provided in § 8-217, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

1. MISCELLANEOUS.
2. CHARITABLE ROADBLOCKS.

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 falsely to 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. (1996 Code, § 9-101)

¹Municipal code references

Building regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

CHARITABLE ROADBLOCKS

SECTION

- 9-201. Permit required.
- 9-202. Permit request.
- 9-203. Denial of a permit.
- 9-204. Exhibition of a permit.

9-201. Permit required. No person, group or organization shall solicit contributions or anything else of value for any real or alleged charitable, nonprofit or religious purpose on any town street, town owned or controlled right-of-way or state or federal highway passing through the town without a permit approved by the board of mayor and aldermen authorizing such solicitation. (1996 Code, § 9-201)

9-202. Permit request. Any person, group or organization wishing to solicit contributions under the terms of this chapter shall make a written request to the board of mayor and aldermen for a permit authorizing such solicitation. The request shall include the name of the person, group or organization, the proposed date of the roadblock and the purpose for the solicitation, including the proposed use of the funds to be collected. The board may also require such additional information as is deemed necessary by the board to make a decision concerning the permit request. (1996 Code, § 9-202)

9-203. Denial of a permit. The board may, without cause, deny the issuance of a permit. (1996 Code, § 9-203)

9-204. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any police officer or person solicited. (1996 Code, § 9-204)

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

1. IN GENERAL.
2. DOGS AND CATS.

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. Seizure and disposition of animals.
- 10-107. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or 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. (1996 Code, § 10-101)

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 feet (1,000') 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. (1996 Code, § 10-102)

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. (1996 Code, § 10-103)

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. (1996 Code, § 10-104)

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. (1996 Code, § 10-105)

10-106. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by 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. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall be entitled to 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. (1996 Code, § 10-107)

10-107. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, 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. (1996 Code, § 10-108)

CHAPTER 2

DOGS AND CATS

SECTION

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

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat 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 to 68-8-114) or other applicable law. (1996 Code, § 10-201)

10-202. Dogs and cats to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1996 Code, § 10-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits. (1996 Code, § 10-203)

10-204. Vicious dogs and cats to be securely restrained. It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1996 Code, § 10-204)

10-205. Noisy dogs and cats prohibited. No person shall own, keep, or harbor any dog or cat which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1996 Code, § 10-205)

¹State law reference

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

10-206. Confinement of dogs and cats suspected of being rabid.

If any dog or cat 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 police may cause such dog or cat to be confined or isolated for such time as he reasonably deems necessary to determine if such dog or cat is rabid. (1996 Code, § 10-206)

10-207. Seizure and disposition of dogs and cats. Any dog or cat 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 or cat 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 or cat by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog or cat will be humanely destroyed or sold. If said dog or cat is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog or cat shall be released in any event from the pound unless or until such dog or cat 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 or cat found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any police officer.¹ (1996 Code, § 10-207)

¹State law reference

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

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PERSON.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. FIREARMS, WEAPONS AND MISSILES.
5. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on-premises consumption. (1996 Code, § 11-101)

11-102. Minors in beer places. No person under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1996 Code, § 11-102)

¹Municipal code references

- Animals and fowls: title 10.
- Fireworks and explosives: title 7.
- Streets and sidewalks (non-traffic): title 16.
- Traffic offenses: title 15.

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

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

CHAPTER 2

OFFENSES AGAINST THE PERSON

SECTION

11-201. Assault and battery.

11-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1996 Code, § 11-301)

CHAPTER 3**OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-301. 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. (1996 Code, § 11-401)

11-302. 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) 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.

(b) 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.

(c) 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.

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

(e) 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.

(f) 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.

(g) 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 7:00 A.M. and 6:00 P.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 7:00 A.M. and 6:00 P.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(h) 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.

(i) 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.

(j) 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.

(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. (1996 Code, § 11-402, modified)

CHAPTER 4**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-401. Air rifles, etc.

11-403. Discharge of firearms.

11-401. 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. (1996 Code, § 11-601)

11-402. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1996 Code, § 11-603)

CHAPTER 5**TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

11-501. Trespassing.

11-502. Trespassing on trains.

11-503. Interference with traffic.

11-501. 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. (1996 Code, § 11-701)

11-502. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1996 Code, § 11-702)

11-503. 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. (1996 Code, § 11-704)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. ENERGY CONSERVATION CODE.

CHAPTER 1

BUILDING CODE^{1,2}

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations and penalty.

12-101. Building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Building Code*,³ 2012 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the building code.

12-102. Modifications. The following sections are hereby revised to read as follows:

¹Municipal code references

Fire protection: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

²Building permit information and fee schedules (and any amendments) are available in the office of the recorder.

³Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

Definitions. Whenever the words "Building Official" are used in the building code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the building code.

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.

12-104. Violations and penalty. 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. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

ENERGY CONSERVATION CODE¹

SECTION

- 12-201. Energy conservation code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations and penalty.

12-201. Energy conservation code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 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 *International Energy Conservation Code*,² 2012 edition, and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and are hereinafter referred to as the energy code.

12-602. Modifications. The following sections are hereby revised to read as follows:

"Building Official." Whenever in the energy code these words are used, they shall refer to the person designated by 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 *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-604. Violations and penalty. It shall be unlawful 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 under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.

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 sanitation nuisances.
- 13-107. House trailers.
- 13-108. Dumpsters on residential property.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1996 Code, § 13-101)

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. (1996 Code, § 13-102)

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. (1996 Code, § 13-103)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(2)(f).

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 foot (1'). (1996 Code, § 13-104)

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. (1996 Code, § 13-105)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1996 Code, § 13-106)

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. (1996 Code, § 13-107)

13-108. Dumpsters on residential property. It shall be unlawful for any person to locate on residential property a dumpster, rollout container, bin, or other trash receptacle of three (3) cubic yards or larger, for longer than thirty (30) days, unless such property is undergoing construction. In this case, such container shall be kept no longer than one hundred eighty (180) days. The board of mayor and aldermen may waive these limitations in special circumstances.

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations.

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

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six feet (6') 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. (1996 Code, § 13-201)

¹State law reference

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

CHAPTER 3

SLUM CLEARANCE

SECTION

SECTION

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of orders.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.
- 13-314. Structures unfit for human habitation deemed unlawful.

13-301. 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 town structures which are unfit for human occupation 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, safety and morals, or otherwise inimical to the welfare of the residents of the town.

13-302. 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 town.

(3) "Municipality" shall mean the Town of Bulls Gap, 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 others 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 town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power 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.

13-303. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector.

13-304. 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 town 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.

13-305. 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.

13-306. 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."

13-307. 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.

13-308. 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, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, 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 as set forth in *Tennessee Code Annotated*, § 67-5-2010 and § 67-5-2410. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) 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, the public officer 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 Hawkins 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 Town of Bulls Gap to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-309. 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 and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Bulls Gap. 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.

13-310. 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 town. 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 Hawkins County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-311. 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.

13-312. 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 town 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;

(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.

13-313. 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.

13-314. Structures unfit for human habitation 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 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, safety and morals, or otherwise inimical to the welfare of the residents of the town.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.

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 five (5) members; two (2) of these shall be the mayor and an alderman selected by the board of mayor and aldermen; the other three (3) shall be appointed by the mayor. All members of the planning commission shall serve without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for seven (7) years each. The three (3) members first appointed shall be appointed for terms of three (3), five (5), and seven (7) years respectively then renewed for full seven (7) year terms. The terms of the mayor and the member selected by the board shall run concurrently with their terms of office. All appointive members shall serve at the pleasure of the mayor or until their successor is named. (1996 Code, § 14-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13. (1996 Code, § 14-102)

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 Bulls Gap shall be governed by the "Zoning Ordinance, Bulls Gap, Tennessee," and any amendments thereto.¹ (1996 Code, § 14-201)

¹Ordinance #11-27-95-1, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

TITLE 15

MOTOR VEHICLES, TRAFFIC, AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under *Tennessee Code Annotated*, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by *Tennessee Code Annotated*, § 55-10-401; failing to stop after a traffic accident, as prohibited by *Tennessee Code Annotated*, §§ 55-10-101, *et seq.*; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-7-116; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. 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. (1996 Code, § 15-101)

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. (1996 Code, § 15-102)

15-103. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1996 Code, § 15-104)

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

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction;
- (b) When the right half of a roadway is closed to traffic while under construction or repair; and
- (c) Upon a roadway designated and signposted by the municipality for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1996 Code, § 15-105)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1996 Code, § 15-106)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1996 Code, § 15-107)

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

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1996 Code, § 15-108)

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

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign,

¹Municipal code references

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

²For the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, *et seq.*

signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1996 Code, § 15-110)

15-110. Presumption with respect to traffic-control signs, etc.

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1996 Code, § 15-111)

15-111. 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. (1996 Code, § 15-112)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1996 Code, § 15-113)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1996 Code, § 15-114)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1996 Code, § 15-115)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1996 Code, § 15-116)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1996 Code, § 15-117)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1996 Code, § 15-118)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1996 Code, § 15-119)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1996 Code, § 15-120)

15-120. 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. (1996 Code, § 15-121)

15-121. 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 handlebars.

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. (1996 Code, § 15-122, modified)

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. (1996 Code, § 15-201)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') 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. (1996 Code, § 15-202)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1996 Code, § 15-203)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a firefighter or police officer. (1996 Code, § 15-204)

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. (1996 Code, § 15-301)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1996 Code, § 15-302)

15-303. In school zones. Generally, pursuant to *Tennessee Code Annotated*, § 55-8-153, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the governing body has not established special speed limits as provided for above, any person who shall drive at speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1996 Code, § 15-303, modified)

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. (1996 Code, § 15-304)

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.¹ (1996 Code, § 15-401)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1996 Code, § 15-402)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of the intersection of the center lines of the two (2) roadways. (1996 Code, § 15-403)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one (1) 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. (1996 Code, § 15-404)

15-405. U-turns. U-turns are prohibited. (1996 Code, § 15-405)

¹State 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 railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1996 Code, § 15-501)

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. (1996 Code, § 15-502)

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. (1996 Code, § 15-503)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train;
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train;
- (3) A railroad train is approaching within approximately one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach; or
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1996 Code, § 15-504)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1996 Code, § 15-505)

15-506. 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. (1996 Code, § 15-506)

15-507. 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": 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.

(3) Steady red alone, or "stop": 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.

(4) Steady red with green arrow: 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.

(5) Exception. 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. (1996 Code, § 15-507)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the municipality it shall require obedience by vehicular traffic as follows.

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1996 Code, § 15-508)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or

otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1996 Code, § 15-509)

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

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this town shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") 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 inches (18") 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. (1996 Code, § 15-601)

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 feet (24'). (1996 Code, § 15-602)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1996 Code, § 15-603)

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 feet (15') thereof;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within fifty feet (50') of a railroad crossing;
- (7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of 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; or
- (11) Alongside any curb painted yellow or red by the town. (1996 Code, § 15-604)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1996 Code, § 15-605)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1996 Code, § 15-606)

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. Violations and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator, other than for the purpose of giving a warning, 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 town court at a specified time. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1996 Code, § 15-701, modified)

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. (1996 Code, § 15-702)

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. (1996 Code, § 15-703)

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 vehicle whose operator is arrested, or any unattended vehicle which is illegally 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

¹State law reference

Tennessee Code Annotated, §§ 7-63-101, et seq.

thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof the vehicle is stored. (1996 Code, § 15-704)

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 to 55-16-109. (1996 Code, § 15-705)

15-706. Violations 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. For parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days, his fine shall be five dollars (\$5.00). (1996 Code, § 15-706, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PROPERTY NUMBERING SYSTEM.
4. HEAVY VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Street acceptance policy.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1996 Code, § 16-101)

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 feet (14') or over any sidewalk at a height of less than eight feet (8'). (1996 Code, § 16-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1996 Code, § 16-103)

16-104. Projecting signs and awnings, etc., restricted.

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1996 Code, § 16-104)

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 governing body after a finding that no hazard will be created by such banner or sign. (1996 Code, § 16-105)

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. (1996 Code, § 16-106)

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. (1996 Code, § 16-107)

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. (1996 Code, § 16-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1996 Code, § 16-109)

¹Municipal code reference

Building code: title 12, chapter 1.

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1996 Code, § 16-110)

16-111. Operation of trains at crossings regulated. It is hereby declared to be a misdemeanor for any conductor or engineer or other person operating or in charge of any freight, passenger, or construction train, or train of any character or kind, or for any other person to run, cause to be run, or permit to be run, any train through the corporate limits of the Town of Bulls Gap, Tennessee, without giving a warning of its approach as required by state law, or to stop any train or trains within the corporate limits of the Town of Bulls Gap, Tennessee, so as to prevent the passage of vehicles on street crossings for a longer period of time than fifteen (15) consecutive minutes, excepting, however, stops and obstructions at said crossings necessitated by accident or mechanical failure, and then, in such event, said crossing shall be cleared as quickly as reasonably possible. (1996 Code, § 16-111)

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. (1996 Code, § 16-112)

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. (1996 Code, § 16-113)

16-114. Street acceptance policy. In order to provide for adequate street improvements, elimination of traffic congestion, and the health, safety, and general welfare of the citizens of the Town of Bulls Gap, the board of mayor and alderman shall not accept as a public street any recorded right-of-way until it has met the minimum standards herein described.

(1) The proposed street shall have a right-of-way width of at least fifty feet (50') unless the requirement would cause undue hardship.

(2) All proposed streets shall have an improved base to a width of thirty feet (30'). The base shall be compacted to a six inch (6") depth and shall be installed according to the methods specified in *Standard Specifications for*

Road and Bridge Construction, § 3, Tennessee Department of Highways and Public Works, January 1, 1968. A prime coat shall be applied so as to leave one foot (1') of base remaining on each side of the improvement as a shoulder. The prime coat cover shall be applied as specified in *Standard Specifications for Road and Bridge Construction*, § 402, Tennessee Department of Highways and Public Works, January 1, 1968, and latest revisions thereto. Following completion of the prime coat a wearing course not less than two inches (2") thick as shown in *Standard Specifications for Road and Bridge Construction*, § 411, Tennessee Department of Highways and Public Works, January 1, 1968, shall be applied to complete the surfacing of the proposed street.

(3) Prior to final acceptance of a proposed street as a public street, the Bulls Gap Planning Commission shall study a plat of the proposed street and make its approval or disapproval known to the board of mayor and aldermen. (1996 Code, § 16-114)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. 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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1996 Code, § 16-201)

16-202. Applications. Applications for such permits shall be made to the recorder, 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

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of *City of Paris, Tennessee v. Paris-Henry County Public Utility District*, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1996 Code, § 16-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1996 Code, § 16-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1996 Code, § 16-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1996 Code, § 16-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore said street, alley, or public place to its original condition or promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder 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. (1996 Code, § 16-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is 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 three hundred thousand dollars (\$300,000.00) for bodily injury of any one (1) person in one (1) accident or occurrence, seven hundred thousand dollars (\$700,000.00) for bodily injury or death from any one (1) accident or occurrence, and one hundred thousand dollars (\$100,000.00) for property damage.¹ (1996 Code, § 16-207, modified)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1996 Code, § 16-208)

16-209. Supervision. The recorder 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. (1996 Code, § 16-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder and paying a one dollar (\$1.00) permit fee. 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

¹State law reference

Tennessee Code Annotated, § 29-20-403.

driveway shall exceed thirty-five feet (35') 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 feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1996 Code, § 16-210)

CHAPTER 3

PROPERTY NUMBERING SYSTEM

SECTION

- 16-301. Uniform numbering system adopted.
- 16-302. Assignment of numbers.
- 16-303. Administration.
- 16-304. Violations and penalty.

16-301. Uniform numbering system adopted. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title "Bulls Gap, Tennessee - Property Numbering System" dated November 1, 1978, which is filed in the office of the recorder, is hereby adopted for use in the Town of Bulls Gap, Tennessee. This map and all explanatory matter thereon, is hereby adopted and made a part of this chapter. (1996 Code, § 16-301)

16-302. Assignment of numbers. (1) All properties or parcels of land within the corporate limits of Bulls Gap, Tennessee shall hereafter be identified by reference to the uniform numbering system adopted herein, provided, all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within two (2) months from the date of passage of this chapter.

(2) A separate number shall be assigned according to the interval designated in the following schedule and as indicated on the accompanying maps. Within the corporate limits a separate number shall be assigned for each fifty feet (50') of frontage.

(3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one (1) business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(4) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. The purchase and installation of numerals shall be the responsibility of the property owner. 1996 Code, § 16-302)

16-303. Administration. (1) The municipal building inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of § 16-302.

(2) The building inspector shall keep a record of all numbers assigned under this chapter. (1996 Code, § 16-303)

16-304. Violations and penalty. Violation of this chapter shall be a misdemeanor and may be punished by a fine of two dollars (\$2.00) to fifty dollars (\$50.00). Each separate day such violation is continued shall constitute a separate offense. (1996 Code, § 16-304)

CHAPTER 4

HEAVY VEHICLES

SECTION

16-401. Heavy vehicles.

16-402. Exceptions.

16-401. Heavy vehicles. No tractor or tract or-trailer, nor any category of truck with a gross vehicle weight in excess of ten thousand (10,000) pounds may be operated upon the streets of Bulls Gap other than a state or federal highway, South Main Street, South VFW Rd., Wayland Blvd. and Allen Dr.

Under no circumstances shall a heavy vehicle be allowed to use a municipal street for entry or exit to a parking area. In the event such a vehicle causes damage to a municipal street and/or street right-of-way the owner/driver shall be liable for all costs to repair said street and/or right-of-way. (Ord. #10-5-2-01, Dec. 2012)

16-402. Exceptions. The following are exceptions to this chapter;

(1) Such heavy vehicles as are traveling on streets by necessity in order to permit the operator to make a local delivery or accomplish some other limited, lawful, occasional, and temporary purpose. In the event such a vehicle causes damage to a municipal street and/or street right-of-way the owner/driver shall be liable for all costs to repair said street and/or right-of-way;

(2) The operation of heavy vehicles upon any street where necessary to the conduct of business at a destination point within the town provided streets allowed for truck traffic are used until reaching the intersection nearest the destination point. In the event such a vehicle causes damage to a municipal street they shall be liable for all costs to repair said street;

(3) The operation of emergency vehicles upon any street in the town;

(4) The operation of school buses;

(5) The operation of vehicles owned or operated by the town, public utilities, any contractor or material man which is and while engaged in the repair, maintenance or construction of streets, street improvements, utilities, or sanitation collection within the town; and

(6) The operation of vehicles in an area designated as a B-3 Arterial Business zone or M-1 Industrial zone. (Ord. #10-15-12-01, Dec. 2012)

TITLE 17**REFUSE AND TRASH DISPOSAL**¹**CHAPTER****1. REFUSE.****CHAPTER 1****REFUSE****SECTION**

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.

17-101. Refuse defined. "Refuse" shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined, except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1996 Code, § 17-101)

17-102. Premises to be kept clean. All persons within the town 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. (1996 Code, § 17-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20), nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the town handles mechanically. Furthermore, except for containers which the collector handles mechanically, the combined weight of any refuse container and its contents shall

¹Municipal code reference

Property maintenance regulations: title 13.

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. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four feet (4') and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection. (1996 Code, § 17-103)

17-104. Location of containers. Where alleys are used by the refuse collectors, containers shall be placed on or within six feet (6') 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 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 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. (1996 Code, § 17-104)

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. (1996 Code, § 17-105)

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. (1996 Code, § 17-106)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1996 Code, § 17-107)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1996 Code, § 17-108)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWER USE REGULATIONS.
1. GENERAL WASTEWATER REGULATIONS.
2. SEWAGE AND HUMAN EXCRETA DISPOSAL.
3. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

SEWER USE REGULATIONS

SECTION

- 18-101. Purpose and policy.
- 18-102. Scope.
- 18-103. Definitions.
- 18-104. Abbreviations.
- 18-105. General regulation.
- 18-106. Wastewater charges and fees.
- 18-107. Enforcement.
- 18-108. Abatement.
- 18-109. Sewer regulations appeal board.
- 18-110. Miscellaneous provisions.

18-101. Purpose and policy. This wastewater discharge ordinance sets uniform requirements for discharges into the wastewater collection and treatment system and enables the Town of Bulls Gap to comply with the administrative provisions of the Federal Water Pollution Control Act Amendments of 1972, PL 52-500, and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the Lick Creek Valley Regional sanitary sewer system. This chapter provides means of determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this chapter shall be used to defray the "board's" cost of operating and

¹Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, depreciation, and provide for equitable industrial costs of recovery of EPA-administered federal grants:

(1) Provide guidelines for the establishment of rates and a uniform procedure in the levying of the service and improvement charges to maintain equity in the billing throughout the area of service;

(2) Prohibit and/or regulate the contribution of wastewater which may cause operational or maintenance difficulties or deteriorations in the sewers, force mains, pumping stations and other structures appurtenant to the wastewater treatment system as hereinafter defined;

(3) Establish a control in the contribution of wastewater which requires greater treatment expenditures than are required for equal volumes of normal domestic waste;

(4) Establish pretreatment requirements for industrial waste before discharge to public sewers as required in title 40, part 403 of the *Regulations of the Environmental Protection Agency* (Federal Register, vol. 43, No. 123) and any subsequent amendments thereof; and

(5) Establish a uniform procedure for design, installation, inspection, operation and maintenance of private wastewater treatment and disposal systems, extensions of public sewer systems, laterals, and connections to sewer mains. (Ord. #02-16-99-1, March 1999)

18-102. Scope. This chapter shall be deemed, part of all residential, commercial, industrial, and public contracts for receiving wastewater collection and treatment service from the "board" and shall apply to all service received whether the service is based upon contract, agreement signed application, or other mutual understanding. (Ord. #02-16-99-1, March 1999)

18-103. Definitions. (1) The "Act" is the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251, *et seq.*

(2) "Approval authority" - The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(3) "Approved POTW pretreatment program" and "POTW pretreatment program" means a program administered by a POTW that meets the criteria established in the regulation (403.8 and 403.9) and which has been approved by a regional administrator or state director.

(4) "Authorized agent or representative of the industrial user"

(a) If the industrial user is a corporation, "authorized representative" shall mean:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

(ii) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(b) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

(c) If the industrial user is a federal, state, or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee;

(d) The individuals described in subsections (a) to (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the director of the bureau of water quality.

(5) "Baseline Monitoring Report (BMR)" - A report submitted by Categorical Industrial Users (CIUs) within one hundred eighty (180) days after the effective date of an applicable categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR § 403.12(b)).

(6) "Board" shall mean the public utilities board of the Town of Bulls Gap, Tennessee.

(7) "BOD," (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures ("standard methods") in five (5) days at twenty degrees (20°) Centigrade (sixty-eight degrees (68°) Fahrenheit) expressed in milligrams per liter.

(8) "Categorical pretreatment standards" - Limitations on pollutant discharges to POTWs promulgated by EPA in accordance with section 307 of the Clean Water Act, that apply to specific process wastewater discharges of particular industrial categories (40 CFR § 403.6 and 40 CFR parts 405 to 471).

(9) "City" shall mean the Town of Bulls Gap, Tennessee.

(10) "Combination sewer" shall mean a sewer receiving all wastewater including a surface runoff.

(11) "Compatible pollutant" means BOD, suspended solids, nitrogen, animal and vegetable oil and grease, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this town's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(12) "Composite sample" - Sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(13) "Connection" shall mean any physical tie or hookup made to a sewer line owned, operated and maintained by the board.

(14) "Connection charge" shall mean that charge levied to defray the expenditure required to process the application, make the connection, inspect the sewer lateral and service and approve the discharge permit.

(15) "Cooling water" shall mean the water used for heat exchange and discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any polluting material.

(16) "Customer" shall mean any person who receives sewer service from the board under either an express or implied contract requiring such person to pay the board for such service.

(17) "Daily maximum limitations"- The maximum allowable discharge of pollutants during a twenty-four (24) hour period. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharge over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(18) "Director" means the chief administrative officer of a state or interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the act and an approved pretreatment

(19) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(20) "Discharge monitoring"- The EPA uniform national form, including any subsequent additions, revisions or modifications for reporting of self-monitoring results by permittees. The form must be used by approved states as well as by EPA.

(21) "Domestic use" of the facilities of the wastewater control system shall be defined and limited to single-family, multi-family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of domestic wastewater and use for residential purposes only.

(22) "Environmental Protection Agency or EPA" shall mean the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(23) "Extra strength wastewater" shall mean any wastewater that has any characteristic or combination of characteristics exceeding the characteristics of normal domestic wastewater and that requires effort or expenditure over and above that required for treatment of normal domestic wastewater.

(24) "Flow Weighted Average (FWA) formula"- A procedure used to calculate alternative limits where wastestreams combine after treatment but prior to the monitoring point.

(25) "Flow proportional composite sample"- Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

(26) "Grab sample"- A sample which is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream and without consideration of time.

(27) "Holding tank waste" - means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tanker trucks.

(28) "Incompatible pollutant" means any pollutant which is not a "compatible pollutant" as defined in this section.

(29) "Indirect discharger"- A non-domestic discharger introducing pollutants to a publicly owned treatment works.

(30) "Industrial user" shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act.

(31) "Industrial wastes" are the liquid wastes, other than domestic wastewater, resulting from processes or operations employed in industrial or commercial establishments.

(32) "Inspector" shall mean the inspector of the Town of Bulls Gap, Tennessee.

(33) "Interference" is the inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirements of the town's NPDES permit. The term includes prevention of sewage sludge use of disposal by the POTW in accordance with section 405 of the Act, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the methods of disposal or use employed by the municipal wastewater treatment system.

(34) "Manager of public utilities" or "manager" shall mean the manager of the public utilities board for the Town of Bulls Gap, Tennessee, or his authorized representative.

(35) "Monthly average"- The arithmetic average value of all samples taken in a calendar month for an individual pollutant parameter. The monthly average may be the average of all grab samples taken in a given calendar month, or the average of all composite samples taken in a given calendar month.

(36) "National categorical pretreatment standard or pretreatment standard" shall mean any regulation containing pollutant discharge limits promulgated, by EPA in accordance for section 307(b) and (c) of the Act, which applies to the specific category or industrial users.

(37) "Natural outlet" shall mean any point of discharge into a waste course, pond, ditch, lake, stream, or other body of surface or ground water.

(38) "New source" shall mean any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. § 1317) categorical pretreatment standard which, will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal. A new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(39) "Normal domestic wastewater" shall contain a daily average of not more than 400 mg/l of suspended solids; 400 mg/l of BOD; 40 mg/l nitrogen; 100 mg/l animal and vegetable oil and grease; and which contains only compatible pollutants as defined herein.

(40) "NPDES permit" or "permit" means a permit issued to a POTW pursuant to section 402 of the Act (33 U.S.C. § 1342).

(41) "NPDES state" means a state (as defined in 40 CFR § 122.2) or interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act.

(42) "Pass-through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(43) "Person," "enterprise," "establishment," or "owner" shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender should include the feminine, the singular should include the plural where indicated by context.

(44) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A stabilized pH will be considered as a pH, which does not change beyond the specified limits of five to ten (5 - 10) when the waste is subjected to aeration.

(45) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR § 403.6(d).

(46) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(47) "Publicly Owned Treatment Works (POTW)" means a treatment works as defined by section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey waste waters to the POTW from persons outside the (town) who are, by contract or agreement with the (town), users of the (town's) POTW,

(48) "Public sewer" shall mean a sewer controlled by public authority.

(49) "Sanitary sewer" is a sewer intended to receive domestic wastewater and industrial waste, without the admixture of surface water and storm water.

(50) "Sanitary wastewater" shall mean wastewater discharging from the sanitary conveniences of dwelling, including apartments and hotels, office buildings, factories, or institutions, and free from storm and surface water.

(51) "Sewer" shall mean a pipe or conduit for carrying; wastewater.

(52) "Sewer lateral" shall consist of the pipe line extending from any sewer main of the town to private property.

(53) "Sewer service charge" and "wastewater service charge" shall be synonymous and shall mean the amount charged to the customer for operation, maintenance and capital improvements for the wastewater control system.

(54) "Shall" is mandatory; "may" is permissive.

(55) "SIC" means the Standard Industrial Classification of users based upon the SIC manual prepared by the office of management and budget.

(56) "Significant industrial user" - as defined by 40 CFR § 403.3 shall means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N; and

(b) Any other industrial user that: discharges an average of twenty five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR § 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR § 403.8(f)(6)).

(57) "Significant non-compliance" shall mean having violations which meet one (1) or more of the criteria as listed in this chapter and defined in 40 CFR 403.8(f)(2)(vii).

(58) "Significant Noncompliance (SNC)" - (40 CFR § 403.8(f)(2)(vii)) Industrial user violations meeting one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit of the average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutants parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the application TRC (TRC-1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other dischargers, interference or pass-through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under this section to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(59) "Slug loading" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times, the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back-up in an objectionable way or any discharge of

whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(60) "Standard methods" shall mean *Standard Methods for the Examination of Water and Wastewater*, latest edition, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(61) "Storm sewer" or "storm drain" shall mean a pipe or conduit, ditch or canal which carries storm and surface waters and drainage, cooling water or other unpolluted water, but excludes wastewater.

(62) "Submission" means:

(a) A request by a POTW for approval of a pretreatment program to the EPA or a director;

(b) A request by a POTW to the EPA or a director for authority to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removal; or

(c) A request to the EPA by an NPDES state for approval of its state pretreatment program.

(63) "Suspended solids" shall mean the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removed by laboratory filtering.

(64) "Time proportional composite sample"- A sample consisting of a series of aliquots collected from a representative point in the discharge stream at equal times intervals over the entire discharge period on the sampling day.

(65) "Toxic pollutant" shall be any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of the CWA (307)(a) or other Acts.

(66) "Twenty-four (24) hour, flow proportional composite sample" means a sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are proportionate in the flow and combined to form a representative sample.

(67) "Unpolluted water or waste" shall mean any water or wastewater containing no free or emulsified grease or oil; acid or alkali, phenols, or other substances imparting taste and odor in receiving waters; toxic and poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases and/or other polluting materials.

(68) "User" shall mean any occupied property or premises having a connection to the sewer system or having access thereto.

(69) "Wastewater" shall mean the water carrying wastes from residences, businesses, buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and stormwater as may be present.

(70) "Wastewater control system" shall mean all facilities for collecting, pumping, treating, and disposing of wastewater.

(71) "Wastewater treatment plant" shall mean any arrangement of devices and structures used for treating wastewater or in the case of the town plant, may also be referred to as POTW (Publicly Owned Treatment Works).

(72) "Wye" shall mean any mechanical connection for a service lateral.

Standard methods: terms not otherwise defined herein shall be as adopted in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. #02-16-99-1, March 1999)

18-104. Abbreviations. The following abbreviations shall have the designated meanings.

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - Environmental Protection Agency

l - Liter

mg - Milligrams

mg/l - Milligrams per liter

NPDES - National Pollutant Discharge Elimination System

POTW - Publicly Owned Treatment Works

SIC - Standard Industrial Classification

SWDA - Solid Waste Disposal Act, 42 U.S.C. §§ 6901, *et seq.*

USC - United States Code

TSS - Total Suspended Solids. (Ord. #02-16-99-1, March 1999)

18-105. General regulation. (1) Applications for service - permits.

(a) Domestic use and commercial use - a formal application for either original or additional service must be made at the office of the board of public utilities, or other specified location, and be duly approved before connection is made. The receipt by the "board" of a prospective customer's application for service shall not obligate the "board" to render the service. If the service applied for cannot be supplied in accordance with this chapter and the "board's" rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the "board" to the applicant for such service, except that conditional waivers for additional services may be granted by the manager for interim periods if compliance may be assured within a reasonable period of time.

(b) Industrial use.

(i) Application: An application for original, additional, or continuation of service must be made at the office of the board of public utilities, or other specified location, and must be duly approved before connection is made. The application shall be in the

prescribed form of the board of public utilities, and shall include to the extent reasonably available the estimated pH, temperature, volume, and concentration of BOD, COD, suspended solids, grease, toxic substances and/or metals together with a drawing to approximate scale showing plan of property, water distribution system and sewer layout indicating existing and proposed pretreatment and/or equalization facilities. The receipt by the "board" of a prospective customer's application for service shall not oblige the "board" to render the service. If the service applied for cannot be supplied in accordance with this chapter or the "board" rules and regulations and general practice, the application shall be rejected and there shall be no liability of the "board" to the applicant of such service.

(ii) Confidential information: all information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restrictions unless the user specifically requests and is able to demonstrate to the satisfaction of the manager that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive position. When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state of any state agency in judicial review or enforcement proceeding involving the person furnishing the report.

Wastewater constituents and characteristics will not be recognized as confidential. Information accepted by the manager as confidential shall not be transmitted to any governmental agency or to the general public by the manager until and unless prior and adequate notification is given to the user.

(iii) Certification: all compliance reports, applications and other- reports required to be submitted by an industrial user shall be signed by authorized agents of the industry and shall be submitted with the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the

information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(2) Industrial discharge permit. (a) Wastewater discharge permits required: all major industrial users proposing to connect to or discharge into any part of the wastewater treatment system must first apply for a discharge permit. An application for this permit must be filed at least sixty (60) days prior to the anticipated start-up date. All applicants need to return the completed application with two (2) weeks from the day the application is received. All existing major industrial users connected to or discharging to any part of the town's system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this chapter.

(b) Permit application: users seeking a wastewater discharge permit shall complete and file with the manager an application on the form prescribed by the manager, and accompanied by the application fee. In support of the application, the user shall submit the following information:

- (i) Name, address, and SIC number of applicant;
- (ii) Volume of wastewater to be discharged;
- (iii) Wastewater constituents and characteristics;
- (iv) Time and duration of discharge;
- (v) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- (vii) Description and quantities of all materials on the premises which are, or could be, discharged;
- (viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (ix) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);

(B) No increment referred to in subsection (A) above shall exceed nine (9) months;

(C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent;

(x) Each product produced by type, amount, process or processes and rate of production;

(xi) Type and amount of raw materials processed (average and maximum per day);

(xii) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(xiii) Any other information as may be deemed by the manager to be necessary to evaluate the permit application.

Upon receipt of the application form the manager or coordinator would review the permit for completeness. IUs who have filed incomplete applications should be notified by the manager that the application is deficient and the nature of such deficiency. IUs will be given fifteen (15) days to correct the deficiency. If the deficiency is not corrected within this time period, the manager has the right to deny the application. Denial of a permit application would result in termination of sewer service for all industrial waste streams.

(c) Permit conditions: wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the "board." The conditions of wastewater discharge permits shall be uniformly enforced

in accordance with this chapter, and applicable state and federal regulations. Permit conditions will include the following:

(i) The unit charge or schedule or user charges and fees for the wastewater to be discharged to the system.

(ii) Limits on rate and time of discharge or retirements for flow regulation and equalization.

(iii) Requirements for installation of monitoring facilities, including flow monitoring and sampling equipment.

(iv) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

(v) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.

(vi) Compliance schedules.

(vii) Statement of duration.

(viii) Statement of non-transferability.

(ix) Effluent limits.

(x) Unit charges for violations of limitations of wastewater strength.

(xi) Requirements for notification to the director of any new processes or substantial changes in existing process or in the volume or character of the existing discharge.

(xii) Notification of slug or accidental discharge.

(xiii) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.

(xiv) Other conditions to ensure compliance with this chapter.

(d) Responsibilities of the permitted industrial user:

(i) All user's subject to a pretreatment standard shall install monitoring facilities, including flow monitoring and sampling equipment as required by the "board."

(ii) Any user subject to a pretreatment standard after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the "board," semi-annual reports during the months of June and December, unless required more frequently in the pretreatment standard or by the manager, a report indicating the nature and concentration of pollutant in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of daily flows which during the reporting period, exceeded the average daily flow reported. At the discretion of the manager and in consideration of such factors as local high or

low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.

(iii) All analysis shall be performed by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the administrator.

(iv) If any sampling performed by an industrial user indicates a violation, the user shall notify the manager within twenty-four (24) hours of becoming aware of the violation. A written notification shall be submitted to the manager within five (5) days of the violation describing the following:

- (A) Location of violation, occurrence, duration;
 - (B) Type of violation, severity;
 - (C) Actions taken, proposed remediation plans, compliance schedule;
 - (D) Description of assistance requested (if any);
- and
- (E) Steps taken to avoid similar violations in the future.

The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the manager within thirty (30) days after becoming aware of the violation, except the industrial user is not required to resample if:

- (1) The manager performs sampling at the industrial user at a frequency of at least once per month, or
- (2) The manager performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(v) Signature requirements - see subsection (1)(b)(iii) above, "certification."

(vi) The industrial user shall be responsible for notifying the "manager" each time a change/modification has been made to the industrial process line or to the industrial wastewater pretreatment plant (if applicable). A new wastewater discharge permit application may need to be submitted as required by the "board." The manager has the right to request additional information about the changes made to the industrial process or wastewater treatment unit as deemed necessary.

(e) Duration of permits: modification and change by the manager during the life of the permit, as limitations or requirements are

modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) **Transfer of a permit:** wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(g) **Renovation of permit;** any user who violates the following conditions of his permit or of this chapter, or of applicable state and federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:

(i) Intentional failure of user to accurately report the wastewater constituents and characteristics of his discharge;

(ii) Failure of the user to report significant changes in operations or wastewater characteristics.

(iii) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(iv) Violation of conditions of the permit.

(3) **Connection to public sewer.** (a) **Availability:** at such time as a sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made within thirty (30) days to the public sewer. The sewer shall be considered available when the first floor of the building above or on ground level can be served by the sewer line in accordance with the board's rules and regulations and general practice. When sewer service is available, it will be presumed that the wastewater from the premises is discharged either directly or indirectly into the sewer, and the property shall be billed for sewage service. However, if the making of connection is delayed, the property shall be subject to such charges thirty (30) days after sewer is accepted by the wastewater control system. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned. An extension of time may be granted by the manager for cause.

(b) **Connections:**

(i) Before excavating for sewer service, a permit must be obtained from the sewer commission. A tap fee is required, and must be paid in full before the permit is issued.

(ii) Initial connections to mains and trunk line sewers are to be made into a wye connector or other connection provided in line. If for any reason a wye connector or other connection is not available, the connection to main or trunk will be made by the "board."

(iii) Building sewers (for connection to gravity sewers) shall conform to the following requirements.

(A) The minimum size of a building sewer shall be four inches (4").

(B) All joints and connections shall be made water tight.

(C) The building sewer shall be laid at uniform grade on a continuous firm base and in straight alignment insofar as possible. A clean-out shall be provided outside and within five feet (5') of the wall, and be properly plugged. No bends greater than forty-five (45) degrees, will be permitted.

(D) Four inch (4") building sewers shall be laid on a grade greater than or equal to one-eighth inch (1/8") per linear foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(E) The interior of each length of pipe shall be made perfectly clean and free from off-sets, fins, and projections before the next length is connected.

(F) Building sewers shall not be constructed closer than five feet (5') to any exterior wall, cellar, basement, or cistern, and depth shall be sufficient to afford protection from frost.

(G) Waste, gas service, electric service, and building storm sewers, shall not be laid in the same trench as the building sanitary sewer.

(iv) Building sewers (for connection to pressure sewer):

(A) The owner is required to furnish two hundred twenty (220) volts (twenty (20) amp, two (2) pole breaker) of electrical service to the outside wall closest to the grinder pump. Wire must be a minimum two to twelve (2-12) gauge with ground. Power must be left on year round whether the property is occupied or not.

(B) The property owner will construct a four inch (4") lateral from his home and connect it to the grinder pump unit. See subsection (3)(b)(iii) above for construction methods.

(C) The commission will furnish, install, and maintain grinder pump unit.

(v) Materials: building sewers shall be constructed of a size not less than four inches (4"), nominal internal diameter and shall be of the materials listed below or other suitable material that is approved by the board.

(A) Cast iron pipe - A.S.T.M. Specifications. A74-42; cast iron solid pipe and fittings.

(B) Plastic pipe - minimum wall thickness for all plastic pipe is 0.187" Schedule 40 and meet A.S.T.M. specifications. Polyvinyl chloride (PVC) - extra strength - cemented joints; Acrylonitrik-Butadiene-Styrene (ABS) - Sewer pipe and fittings - extra strength - cemented joints.

(vi) All pipe installation and testing shall be in accordance with all current applicable local, county and state plumbing codes.

(vii) A backwater check valve shall be installed in each building sewer where the superintendent or engineer for the commission determines that it is necessary or desirable.

(c) Inspection of connections: the sewer connections and all sewer laterals from the building to the sewer main line must be inspected by an inspector of the public utilities board before any underground portion is covered.

(d) Use and maintenance of sewer laterals: sewer laterals that have been previously used but have been abandoned due to the razing of a building structure may be used in connection with new buildings only when they are found, on examination and test by the manager, to meet all requirements of this chapter. All others must be sealed to the specifications of the public utilities board. Each individual property owner or user of the wastewater control facilities shall be entirely responsible for the maintenance of the sewer lateral located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the "manager" to meet specifications of the public utilities board.

(e) Private wastewater disposal: where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of subsection (6) below. A service utilizing a private wastewater disposal system must be made at the office of the board of public utilities and be duly approved before construction or reconstruction is commenced.

(4) Interruption of service. The board shall not be liable for any damage resulting from failure or overflow of any sewer main, service pipes or valves, or by discontinuing the operation of its wastewater collections, treatment, and disposal facilities, for repair, extensions, or connections or from the accidental failure of the wastewater collection, treatment and disposal facilities from any cause whatsoever, in cases of emergency the "board" shall have the right to restrict the use of its wastewater collection, treatment and disposal facilities in any reasonable manner for the protection of the board and the wastewater control system.

(5) Discontinuance of service and refusal to connect service. The manager shall, after written notice, and allowance of a reasonable time for

remedial action, have the right to discontinue service or to refuse to render service for a violation of, or a failure to comply with, this chapter, the rules and regulations, the customer's application and agreement for service, or the payment of any obligation due to the board of public utilities. Such right to discontinue service shall apply to all service received through a single tap 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 (1) such customer or tenant. Discontinuance of service by the manager for any cause stated in this chapter shall not release the customer from liability for service already received or from liability from payments that thereafter become due under the minimum bill provisions or other provisions of the customer's agreement. The manager shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, apartment or dwelling unit to which such service is to be furnished, is in default in the payment of any obligation to the "board" or has heretofore had his service disconnected because of a violation of this chapter or the rules and regulations of the board.

(6) Private domestic wastewater disposal system. The septic tank and disposal field shall be constructed or reconstructed only in locations which have been approved by the manager or the county health department after making such tests and examinations of the site as he deems essential to determine if the soil absorption, topography, drainage area, etc. are satisfactory for underground disposal. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply. Plans and specifications for private wastewater disposal systems other than septic tanks and drainfields must be submitted to the public utilities board for review for written approval by the manager.

(7) Commercial and industrial pretreatment. (a) Criteria for pretreatment: any wastewater discharge from a commercial or industrial user of the wastewater control system whose discharge violates the provisions set out in "prohibited wastewater discharges" (subsection (8)(b) below) shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the owner. Any wastewater discharged from a commercial or industrial user of the wastewater control system who exceeds or causes to exceed any provision set forth in "restricted wastewater discharges" (subsection (8)(c) below) shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the owner.

Any commercial or industrial wastewater discharge exceeding only the "limitations on wastewater strength" (subsection (8)(e) below) may be pretreated at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the owner.

If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the user shall submit as part of the

application for wastewater discharge permit. Plans and specifications and other pertinent information relative to the proposed construction to the manager for approval. A compliance schedule for completion shall also be included. It shall meet the requirements of (7)(b)(ii) below. Plans and specifications submitted for approval must bear the seal of a professional engineer licensed to practice engineering in the State of Tennessee. The manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater discharge permit subject to terms and conditions provided herein.

(b) Pretreatment facilities:

(i) Design and construction: all commercial or industrial users of the wastewater control system who elect or are required to construct new or additional facilities for pretreatment, shall submit plans, specifications, and other pertinent information relative to the proposed construction to the manager for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice in the State of Tennessee, written approval of the manager must be obtained before construction of new or additional facilities may begin. The plans, specifications, and other pertinent information submitted to the "board" for approval will be retained as file material for future reference with one approved copy returned to the user.

(ii) Compliance schedule: in the event new or additional pretreatment facilities for existing sources are required under the provisions of this chapter, the users shall have two (2) years within which to install and place such facilities in operation but during said two (2) year period, shall submit written progress reports to the manager not less than each six (6) months. In the event users are making a good faith effort to comply but are prevented from compliance due to the complexities of a given situation or other circumstance beyond the user's control, this time may be extended by the manager for a period of time not exceeding the commencement of the operation of the new treatment system of time limits imposed by federal pretreatment regulations.

The user shall submit a compliance schedule to the manager within thirty (30) days after the promulgation of an applicable federal categorical pretreatment standard.

The compliance schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required to meet the applicable categorical pretreatment standards. No increment shall exceed nine (9) months. Not later than fourteen (14) days following

each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority, including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority. The completion date in this compliance schedule shall not be later than the compliance date established for the applicable pretreatment standard.

In the event that an IU, without good reason, fails to meet the compliance schedule or fails to comply with conditions of the permit, the IU would be subject to the enforcement provisions described, in § 18-107.

The board shall be notified forty-eight (48) hours prior to start-up of new or modified wastewater pretreatment facilities.

(iii) Inspection of facilities. A permit for the operation of a new or existing pretreatment or equalization system shall not become effective until the installation is completed to the satisfaction of the manager and written approval for operation is issued to the owner by the manager. The manager or his representative shall be allowed to inspect the work at any state of construction, and in any event, the application for the permit shall notify the manager when the work is ready for the final inspection. In addition, the manager shall be allowed to make periodic inspections of the facilities in operation as he deems necessary. The manager may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the manager or his representative ready access at all reasonable times to parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The manager shall have the right to set up on the user's property such devices as are necessary to conduct sampling; or metering operations. If the user is found to be in violation of his discharge permit, then such user shall pay for any and all damages, including sampling and analytical costs.

In addition, the manager or his representative shall have the right to access or copy records, plans, sampling reports and any other material related to the industrial process as deemed necessary.

(iv) Maintenance of facilities: it shall be the responsibility of the owner to maintain all wastewater treatment or equalization facilities in good working order at all times. The board of utilities must be notified in writing when pretreatment facilities will not be or are not operative by reason of equipment malfunction, emergency or routine maintenance, or any reason whatsoever. It shall be the responsibility of the owner to repair and maintain all pretreatment facilities on a high priority basis.

(v) If the director and/or his representative has been refused access to a building, structure or property or any part thereof, and if the director and/or his representative has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the board designed to verify compliance with this chapter of any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the sanitary district attorney, to the municipal court, superior court or circuit court, the district may seek a search and/ or seizure warrant describing therein the specific location subject to the warrant. The request by the district shall specify what, if anything, may be searched and/or seized on the property described, such warrant shall be served at reasonable hours by the director in the company of a uniformed police officer. In the event of an extreme emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

(c) Monitoring facilities: all users who propose to discharge wastewater with constituents and characteristics different from normal domestic wastewater, shall be required to install a monitoring facility. (Monitoring facility to be a manhole or other suitable facility approved by the manager which may include a metering device with suitable accommodations for composite sampling.) When, in the judgment of the manager, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the manager may require that separate monitoring facilities be installed for each separate source of discharge. Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurements of wastewater produced by a user. If sampling or metering equipment is also required by the manager, it shall be provided and installed at the user's expense. However, such sampling equipment shall be required by the manager only after sampling by the board with a portable sampler establishes the existence of significant variations in concentrations or constituents of the user's discharge. Operation,

maintenance, and self-monitoring sampling (if required by the board) shall be performed by the IU at the user's expense. Wastewater samples collected by the manager during sampling and testing will be made available to the industry if requested. Analytical results from split samples shall not be used to fulfill the monitoring compliance schedule of the permittee. However, the IU shall report all results derived from split sampling to the manager.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The manager may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way, and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for "board" personnel.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the manager's requirements and all applicable local agency construction standards and specifications. When, in the judgement of the manager, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within one hundred eighty (180) days following written notification unless a written extension is granted by the manager.

(d) Slug control plan: As stated in 40 CFR § 403.8(f)(2)(v), the manager will randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two (2) years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of such activities shall be available to the approval authority upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (i) Description of discharge practices, including non-routine batch discharges;
- (ii) Description of stored chemicals;
- (iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a

prohibition under subsection (8)(b), prohibited wastewater discharges, with procedures for follow-up written notification within five (5) days;

(iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(e) Protection from accidental discharge: each user shall provide protection from accidental discharge into the sewer of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the manager for review and shall be approved by the manager before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to meet the requirements of this chapter.

(f) Grease, oil and sand interceptors: grease, oil and sand interceptors shall be provided when, in the opinion of the manager, 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 manager and shall be located as to be readily and easily accessible for cleaning and inspection.

(g) Hauled wastewater: septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such, times as are established by the superintendent, provided such wastes do not violate § 18-105 or any other requirements established or adopted by the Town of Bulls Gap.

The discharge of hauled industrial wastes and/or wastewater as "industrial septage" requires prior approval and a wastewater discharge permit from the board. The director shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation or cause pass-through of the POTW or adversely affect the quality of the POTW sludge. Waste haulers are subject to all other sections of this chapter.

(h) Underground storage tank wastewater: wastewater from contaminated underground storage tank sites within the legal boundaries of the Town of Bulls Gap may be discharged to the POTW only when and if a permit application, as prescribed by the director is applied for and a

special "underground storage tank wastewater discharge permit" as prescribed by the director, is issued to the owner and or tenant or the property at which the contaminated wastewater is generated. All other aspects of this chapter will be in force for these permits also.

(i) Vandalism: no person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of board property, i.e., (automatic samplers and other field equipment). Any person found in violation of this requirement shall be subject to the sanctions set out in §§ 18-107 and 18-108.

(8) Discharge regulations. All users of the facility of the wastewater control system shall comply with the following regulations and restrictions before discharging or causing to be discharged any wastewater to the public sewer system. 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 40 CFR part 136 and the latest edition of *Standard Methods* available at the "board's" office.

(a) Notification of discharge of hazardous wastes: The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR, part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user. An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

All notifications must take place within one hundred eighty (180) days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR § 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR § 403.12(b), (d), and (e).

Dischargers are exempt from the requirements above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e), requires a one (1) time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practicable.

(b) Prohibited wastewater discharges: No user shall introduce, directly or indirectly, into POTW, any pollutants which will cause pass-through or interference with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(i) Any water or wastes having corrosive or explosive properties, containing toxic poisonous substances, or noxious or malodorous gas, which either singly or by interaction with other wastes or which is capable of causing an obstruction, or which may in any other way cause any interference with the proper operation of the wastewater control system.

(ii) No water or wastes shall be discharged to the public sewer in "slugs" so that the flow rate or concentration of pollutants causes sufficiently sudden changes in the wastewater as it arrives at the wastewater treatment plant to interfere with proper operation. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewage facilities or personnel operating the system.

(iii) Any unpolluted water including, but not limited to, water from cooling systems or of stormwater origin, which will increase the hydraulic load on the treatment system.

(iv) Wastes with the objectionable color not removable by treatment process.

(v) Oil and grease if concentration and dispersion results in separation and adherence to sewer structures and appurtenances in excess of normal domestic wastewater.

(vi) Solid or viscous materials which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facility such as, but not limited to, grease, garbage with particles greater than one half inch (1/2") in any dimension, paunch, manure, hones, hair, hides, or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from, refining, or other processing of fuel or lubricating oil, mud or glass grinding or polishing waste.

(vii) Any liquid, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the POTW or to the operation of POTW. At no time should there be two (2) successful readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over twenty percent (20%) of the lower explosive limit of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides, and sulfides and any other substances which the town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(viii) Any wastewater having a pH less than 5.0 or higher than 9.5 or any wastewater having any corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel or the POTW.

(ix) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interferences, but in no case wastewater with a temperature at the introduction to the POTW which exceeds forty degrees centigrade (40°C) or one hundred five degrees Fahrenheit (105°F).

(x) Wastes requiring more than twelve (12) mg/l of chlorine, as measured by the orthotolidine method, to produce a

residual of ten (10.0) ppm after a contact period of fifteen (15) minutes.

(xi) 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 degrees that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(xii) Any substance which may cause the POTW effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(xiii) Any substance which will cause the POTW its NPDES permit and/or state disposal system permit or the receiving water quality standards.

(xiv) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts which will cause pass-through or interference.

(xv) Any pollutants which will result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(xvi) Any trucked or hauled pollutants except at discharge points designated by the POTW.

(xvii) Deny or condition pollutants to POTW which do not meet pretreatment standards or would cause POTW to violate its NPDES permit.

(c) Restricted wastewater discharges:

(i) No person or user shall discharge wastewater which exceeds the following set of standards unless an exception is permitted as provided in the ordinance. Dilution of any wastewater discharge for the purpose of satisfying these requirement shall be considered a violation of this chapter.

<i>Restricted Wastewater Discharges</i>		
<i>Constituents</i>	<i>Monthly Averages (l) Maximum Concentration (mg/l)</i>	<i>Daily Instantaneous Maximum Concentration (mg/l)</i>

Antimony, total	1.0	1.5
Arsenic, total	0.098	0.148
Boron, total	2.0	3.0
Cadmium, total	0.0152	0.0228
Chromium, total	0.606	0.9092
Copper, total	0.531	0.7962
Cyanide, total	0.6958	1.043
Lead, total	0.2827	0.424
Mercury, total	0.0015	0.0023
Nickel, total	1.8152	2.7198
Selenium, total	0.179	0.262
Silver, total	0.0655	0.0983
Zinc, total	1.63	2.44
Chlorinated hydrocarbons	10.0	15.0
Phenols, total	10.0	15.0
pH (units)	5.5	9.5
Surface active agents (as MBAS)	10.0	15.0
Non-biodegradable TD solids	5000.0	5000.0
Oil and grease (petroleum and/or mineral base)	50.0	100.0
Temperature (°F)		150°

(A) Based upon twenty-four (24) hour flow proportional composite samples.

(B) 40 CFR § 403.12(b)(5)(iii) requires that grab samples be utilized for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics.

(ii) Conditions set out below for the treatment plant influent must also be met which may require a reduction of values set out for individual discharges.

(iii) Total Toxic Organics (TTOs) - Limits for those parameters on the TTO list will be considered on an individual case basis, by the director, for those not regulated in the 40 CFR of the Act for categorical and/or non-categorical industries, considering such factors including but not limited to: concentration, flow, pound, loading to the POTW and other considerations necessary to prevent pass-through and protect the POTW as set forth by the director.

<i>Plant Protection Criteria</i>	
<i>Parameter</i>	<i>Maximum Concentration (mg/l)</i>
Arsenic	0.0161
Copper	0.2051
Chromium	0.133
Nickel	0.2837
Cadmium	0.0112
Lead	0.1
Mercury	0.0008
Molybdenum	0.0084
Selenium	0.0214
Silver	0.0147
Zinc	0.2
Cyanide	0.14
Toluene	0.2143
Benzene	0.012
1, 1, 1 Trichloroathane	0.2727
Ethylbenzene	0.02
Carbon Tetrachloride	0.0385
Chloroform	0.3148
Tetrachloroethylene	0.125

<i>Plant Protection Criteria</i>	
<i>Parameter</i>	<i>Maximum Concentration (mg/l)</i>
Trichloroethylene	0.1667
1, 2 Transdichloroethylen	0.0056
Methylene chloride	0.1667
Phenol, total	0.3125
Naphthalene	0.0034
Total phthalates	0.1037
Temperature (°F)	100°
pH units	6-9

No statement in this chapter is intended or may be construed to prohibit the manager from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the wastewater control system, or to create a public nuisance, or to cause discharge of the wastewater control system to violate effluent or stream quality standards, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Public Health and/or United States Environmental Protection Agency.

(d) Affirmative defenses: a user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions.

(e) Limitations on wastewater strength: it is the intent of this chapter to regulate all discharges of compatible wastes in excess of normal domestic wastewater, the major parameters as determined by twenty-four (24) hour composite samples, shall be as follows:

<i>Constituent</i>	<i>Daily Average Concentration (mg/l)</i>
BOD/COD	400/400
SS	400
Oil and grease (animal and/or vegetable base)	100
Nitrogen, total	40

Any wastewater containing over four hundred (400) mg/l of BOD or total suspended solids will be surcharged at the appropriate rate or pretreated to levels so as not to cause destruction to the sanitary sewer system.

(f) Exceptions to discharge criteria: non-residential users of the wastewater control system may apply for a temporary exception to the restricted and regulated wastewater discharge criteria listed in subsections (8)(b) and (8)(c) below. Exceptions can be granted according to the following guidelines subject to the appeals procedure provided in § 18-107.

(i) All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the manager upon a reasonable notice.

(ii) The user requesting the exception must demonstrate to the manager that he is making a concentrated and serious effort to maintain high standards of operation and control and housekeeping levels, etc. so that discharges to the wastewater control system are being minimized. If negligence is found, permits will be subject to terminations.

(iii) The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if exempted, will not:

(A) Interfere with the normal collection and operation of the wastewater collection system.

(B) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.

(C) Pass-through the POTW in quantities and/or concentrations that would cause that POTW to violate its NPDES permit.

(iv) The user must show that the exception if granted, will not cause the discharger to violate its in force federal pretreatment standards unless the exception is granted under provisions of the applicable pretreatment regulations.

(v) A surcharge shall be applied to any exception granted under this paragraph. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(vi) At such time that the levels of pollutants must be reduced because of violations of any of the provisions of subsection (c) above, the following method shall be used to reduce the discharge levels. All users shall be required to reduce their

discharge levels by a sufficient amount to meet the standard being violated. Users shall be required to reduce their discharge levels in accordance with their contribution to the system.

(g) Relaxation of discharge criteria: the manager shall, to the maximum extent feasible, recommend a relaxation of criteria established in this chapter in the event the POTW effluent standards are changed or if the POTW removals are such that a relaxation will not cause violation of the effluent standards.

(9) Wastewater disposal services. (a) Permit: no person, firm, association, or corporation shall clean out, drain or flush any septic tank or any other type of wastewater or excreta disposal system into the POTW unless such person, firm, association or corporation obtains a permit from the manager to perform such acts or services. Any person, firm, association or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the manager when the conditions of this chapter have been met and providing the manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(b) Fees: for each permit issued under the provisions of this chapter and annual service charge therefore shall be paid to the public utilities board of the Town of Bulls Gap, Tennessee, to be set as specified in § 18-106, "charges and fees." Any such permit granted shall be for one (1) full fiscal year or a fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be non-transferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(c) Designated disposal locations: the manager shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any other place other than the place so designated.

(d) Discharge criteria: all waste discharged into the system by wastewater disposal services shall meet discharge regulations and restrictions as stated in subsection (8) above.

(e) Revocation of permit: failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the manager. The possession within the town limits of Bulls Gap by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning,

draining, or flushing septic tanks or other wastewater or excreta disposal systems within the town limits of Bulls Gap.

(10) Charges and billing. (a) Wastewater service charge: the wastewater service charge for normal domestic wastewater is based on the water discharged to the wastewater control system as measured by the public water supply meter, or meters, and/or by any supplementary meter, or meters, necessary to measure the amount of water discharged. The basic wastewater service charge shall be determined upon the metered flow and at rates as provided for in § 18-106.

(b) Users who discharge or cause to be discharged extra strength wastes to the sewer system in accordance with the provisions of this chapter with an appropriate permit therefor will be subject to a surcharge to compensate the wastewater control system for above normal operation and maintenance expense incurred in treating and disposing of the discharge with credit for any reduced operating cost as a result of the constituents or characteristics discharged by the user. The surcharge for extra strength wastes will be assessed in accordance with the provisions of § 18-106. Users who discharge extra strength wastes without a permit shall be subject to the provisions of subsection (4) above.

(c) Sampling, flow monitoring, and analysis. Users who are found to be in violation and who are required by the manager to have sampling and flow monitoring devices installed (temporary or permanent) shall be charged to compensate the board for operating and maintaining equipment and for performing analytical tests on their discharge. The charge will be assessed in accordance with provisions of § 18-106.

(d) Billing. The billing for normal domestic wastewater shall consist of a minimum wastewater service charge with rates as specified by the "board" subject to net and gross rates. Wastewater discharges with above normal strength characteristics will be subject to an extra strength surcharge in addition to the wastewater service charge. In addition, certain industrial users will be liable for payment of sampling, flow monitoring and analysis charges.

(i) Minimum charges. Where the sewer service charge is computed directly, the minimum charge will be as stated in the schedule of rates and charges as established by the board of public utilities.

(ii) Estimated billing. 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 "board" reserves the right to render an estimated bill based on the best information available. The manager also reserves the right to require metering of any water discharged into the sewer system.

(iii) Supplemental water supply. In the event that any customer uses water from a source other than the public water

supply, for any purpose other than for sprinkling lawns and/or gardens, or other use with no discharge into the wastewater control system, the customer must install or have installed according to the "board's" specifications and maintain a supplementary meter to measure the amount of water so used and the amount so used shall be computed in determining the wastewater service charge.

(iv) Adjustments and corrections of errors. Such adjustments to billing for over or under registration of meters, for leaks, for the determination of water use by consumers when meters have been inoperative, for an obviously incorrect meter reading, or for other recognized and proper adjustments as are granted to water customers by the "board" and such adjustment for water use shall be applied in obtaining the indicated adjusted billing of sewer charges. All other requests for adjustments of sewer charges made to the "board" shall be referred to the manager who will handle such complaints. Any adjustment or decision thus authorized by the manager shall be made to the customer affected thereby.

(v) Exemptions. Claims for exemption from the sewer service charge because of non-availability of sewers may be made to the manager, giving the "board" account number. Exemptions from the charge will be retroactive to the commencement date of the sewer service charge or the date of non-availability. (Ord. #02-16-99-1, March 1999)

18-106. Wastewater charges and fees. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the board of public utilities which will enable it to comply with the revenue requirements of the Federal Water Pollution Control Act Amendments of 1972, PL 92-500. Charges and fees shall be determined in a manner consistent with regulations of the federal grant program to ensure that sufficient revenues are collected to defray the "board's" cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, depreciation, and equitable industrial cost recovery of EPA administered federal grants.

(2) Classification of users. All users are to be classified by the manager either by assigning each to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the "board's" cost.

- (3) Type of charges and fees. The charges and fees as established in the "board's" schedule of charges and fees, may include, but not limited to:
- (a) User classification charges;
 - (b) Fees for monitoring, maintenance, and analysis;
 - (c) Fees for permits;
 - (d) Surcharge fees; and
 - (e) Discharge permit fees.
- (4) Basis for determination of charges. (a) Charges and fees may be based upon a minimum basic charge for each premises, computed on the basis of "normal domestic wastewater."
- (b) All unoccupied rental property will be charged a minimum monthly basic sewer service fee during the first year of operation.
- (5) Computation and assessments. The computation of an assessment of surcharges, monitoring charges, maintenance charges and testing or analysis charges will be subject to the appeals procedure provided in the ordinance. (Ord. #02-16-99-1, March 1999)

18-107. Enforcement. The enforcement responses that the Town of Bulls Gap should enforce upon users who are in violation of the sewer use ordinance are described in this section and § 18-108. The local enforcement response plan, state law and the sewer use ordinance should be closely reviewed by the controlling authority prior to enforcement of any of the following responses.

(1) Administrative orders. (a) Notification of violation. Whenever the superintendent finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said user written notice of the violation. Within fourteen (14) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent, submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent orders. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders.

(c) Show cause hearing. The superintendent may order any industrial user which causes or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served

on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested at least fourteen (14) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(d) **Compliance order.** When the superintendent finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued thereunder: he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonable necessary and appropriate to address the noncompliance. Including the installation of pretreatment technology, additional self-monitoring, and management practices.

(2) **Issuance of cease and desist orders.** When the manager finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the manager shall issue an order to cease and desist and that these persons not complying with such prohibitions, limits, requirements, or provisions, to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the manager;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

(3) **Submission of time schedule.** When the manager finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations prescribed in the ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards, or provisions of a wastewater discharge permit, the manager shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

(4) **Hearings/appeals.** (a) Except in those emergency situations as provided for in § 18-107(8), the manager shall afford any user an opportunity for a hearing and shall provide not less than forty-eight (48) hours' notice thereof, before terminating service for any reason other than non-payment.

(b) Any user, permit applicant, or permit holder affected by any decision, action or determination, including cease and desist orders, made by the manager interpreting or implementing the provisions of this chapter or in the granting or refusing of any permit issued hereunder, may file with the manager a written request for reconsideration within thirty (30) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The manager's decision, action, or determination shall remain in full force and effect during such period of reconsideration and during the appeal therefrom, unless modified or suspended by the sewer regulation appeals board. Failure to petition for an appeal or reconsideration of an implemented provision within the allotted time is deemed a waiver by the permittee of his right to challenge the term of this permit.

If the ruling made by the manager is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of the action, file a written appeal to the sewer regulation appeals board. The written appeal shall be heard within thirty (30) days from the date of filing. The sewer regulation appeals board shall make a final recommendation on the appeal within fifteen (15) days of the close of the meeting as set forth in § 18-107. Appeal from the decision of the sewer regulation appeals board shall be to the Board of Mayor and Aldermen of the Town of Bulls Gap. The decision, action, or determination of the sewer regulation appeals board shall remain in effect during the pendency of any appeal unless modified or suspended by the board of mayor and aldermen. The decision of the board of mayor and aldermen shall remain in effect during the pendency of an appeal to the courts unless the same is modified or suspended by a court of competent jurisdiction after notice and an evidentiary hearing.

(5) Scope of review by sewer regulation appeals board and/or the board of mayor and aldermen. (a) Review of actions or decisions other than the refusal of applications for exceptions and/or conditions on discharge permits shall be to determine whether or not the decision, action or determination made by the manager is reasonable and necessary to protect the POTW and/or to effectuate the provisions of this chapter.

(b) Review of actions involving refusal of applications for exceptions and/or conditions on discharge permits shall be to determine whether or not the party appealing said decision has met the prescribed conditions. In making this determination, the board may consider the following:

(i) The cost of pretreatment or other types of control techniques which could be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting a variance;

(ii) The age of equipment and industrial facilities involved to the extent that such factors effect the quality or quantity of wastewater discharge;

(iii) The process employed by the user and process changes available which would effect the quality or quantity of wastewater discharged;

(iv) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quantity or quality of wastewater discharge.

(6) Notice of user. Notice of a discharge in violation of this chapter shall be served on the owner, user, and/or permit holder by certified mail, return receipt requested, as well as and in addition to any other means of communication that the town has available to notify the party of said violation, and the need for corrective action.

(7) Accidental discharges. (a) Notification of discharges. Users shall notify the manager (or his designated official), immediately upon accidental discharging wastes in violation of this chapter to enable counter measures to be taken by the manager to minimize damage to the community sewer, treatment facility, treatment processes, and the receiving waters. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expenses, loss, or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the "board" on account thereof under state and federal law.

(b) Notice to employees. In order that employees of users be informed of the "board's" requirements, users shall make available to their employees copies of this chapter together with such other wastewater information and notices which may be furnished by the manager from time to time directed toward more effective water pollution control.

A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of the ordinance.

(c) Preventive measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated.

(8) Emergency suspensions. (a) The superintendent may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing and imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The superintendent shall allow the user to recommence its discharge when the endangerment has passed.

(c) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the superintendent prior to the date of the hearing described in paragraph (8)(b) above.

(9) Affirmative defenses. (a) Treatment upsets. (i) Any industrial user which experiences an upset in operations that place it in a temporary state noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the superintendent thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report therefore shall be filed by the user within five (5) days. The report shall contain:

(A) A description of the upset, its cause(s), and impact on the discharger's compliance status.

(B) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.

(C) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

(ii) An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the superintendent for any noncompliance with this chapter, or an order or permit issued hereunder by the user, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment bypasses. (i) A bypass of the treatment system is prohibited unless all of the following conditions are met:

(A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(C) The industrial user properly notified the superintendent as described in subsection (9)(b)(ii) below;

(ii) Industrial users must provide immediate notice to the superintendent upon discovery of an unanticipated bypass. If necessary, the superintendent may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(iii) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the superintendent at least ten (10) days in advance. The superintendent may only approve the anticipated bypass if the circumstances satisfy those set forth in subsection (9)(b)(i) above. (Ord. #02-16-99-1, March 1999)

18-108. Abatement. (1) Public nuisance. Discharge of wastewater in any manner, in violation of the ordinance or of any order issued by the manager as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the manager. Any person creating a public nuisance shall be subject to the provisions of the Town of Bulls Gap codes or ordinances governing such nuisance.

(2) Correcting of violation: collection of cost injunction. In order to enforce the provisions of this chapter, the manager shall correct any violation thereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred, and the Town of Bulls Gap shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(3) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to facilities, the manager shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(4) Injunction. Whenever a discharge of wastewater is in violation of the provisions of the ordinance or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the manager may petition the circuit or chancery court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge. The Town of Bulls Gap may seek injunction relief to halt or prevent

discharges in violation of the ordinance. To comply with federal law, the Town of Bulls Gap is empowered to seek injunctive relief for non-discharge violations as well. (For example, if an industrial user refuses to allow the Town of Bulls Gap personnel access to its facility. The town has authority to seek an injunction which requires the user to submit to compliance inspections.)

(5) Termination of service. In order to effect its powers, the manager may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property which a violation of any rule or regulation of this chapter is found to exist. Prior to termination of service, however, the manager shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided.

In the event of an emergency that, in the opinion of the manager, threatens harm to the facilities or endangers the public health, the manager shall notify the owner and/or tenant and immediately take action to terminate service to the property. In such cases, a hearing shall be held by the manager on said termination within twenty-four (24) hours to allow the user an opportunity to demonstrate to the manager that the emergency situation has been abated or corrected and that the danger to the facilities or public health no longer exists.

(6) Civil liabilities. Any person or user who violates any provision of this chapter, requirements or conditions set forth in permits duly issued, or the Water Quality Control Act and the regulations promulgated thereunder, or who discharges wastewater which causes pollution or violates any cease and desist order prohibition, effluent limitation, national standard or performance, pretreatment or toxicity standard, shall be liable civilly. Said civil liability and assessed penalties may be in a sum not to exceed ten thousand dollars (\$10,000.00) for each day in which such violation occurs.

The manager may petition the circuit or chancery court to impose, assess, and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, the corrective action, if any.

(7) Civil penalties. (a) Any user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the manager for a civil penalty of not more than ten thousand dollars (\$10,000.00), but at least fifty dollars (\$50.00), plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the manager may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(b) The manager shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, and economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, *Tennessee Code Annotated*, § 69-3-125, and any other factor as justice requires. The Town of Bulls Gap is authorized to impose civil penalties for "intentional and negligent" violation only. By linking civil liabilities to intent or negligence, the Town of Bulls Gap can prove that the industrial user knew, or should have known, that it was violating the ordinance or its wastewater permit. According to the Clean Water Act, industrial users are strictly liable for all pretreatment violations. Strict liability is a legal standard which mean that users are held legally responsible for noncompliance, regardless of intent or negligence.

(8) Criminal prosecution. (a) Violations, generally. (i) Any user who willfully failing or refuses to comply with any provisions of the water quality control, unlawfully polluting the waters, or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(ii) In the event of a second conviction, the user shall be punishable by a fine not to exceed three thousand dollars (\$3,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(b) Falsifying information. (i) Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plans, specifications, or other data filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(ii) In the event of a second conviction, the user shall be punishable by a fine not to exceed three thousand dollars (\$3,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(9) Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of the ordinance, or permits and orders issued hereunder, shall be fined in an amount not to

exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the manager shall have such other collection remedies as he has to collect other service charges.

Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Users desiring to dispute such fines must file a request for the manager to reconsider the fine within ten (10) days of being notified of the fine. Where the manager believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user.

(10) Annual publication of significant violations. The manager shall publish, at least annually in the largest daily newspaper circulated in the Bulls Gap area, a description of those industrial users which are found to be in significant noncompliance, with any provisions of this chapter or any permit or order issued hereunder during the previous twelve (12) months. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day

compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which the control Authority determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. #02-16-99-1, March 1999)

18-109. Sewer regulations appeal board. (1) The board of public utilities shall serve as the sewer regulations appeals board.

(2) Powers of the "board." The appeals board shall have the following powers:

(a) To conduct hearings on appeals from decisions of the manager in actions taken under and pursuant to this chapter.

(b) The "board" shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of evidence relevant to any matter involved in hearings before the "board" on its own initiative or upon application of the parties.

(c) The chairman, vice-chairman or chairman pro-tem shall be authorized to administer oaths. All testimony before the "board" shall be under oath.

(d) To prescribe such rules and regulations for the convening of the "board," the conduct of hearings and all matters pertaining to and in furtherance of the authority and power herein granted. (Ord. #02-16-99-1, March 1999)

18-110. Miscellaneous provisions. (1) Power and authority of inspectors. Power to: (a) Power to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of 10's information. Compliance or non-compliance with pretreatment standards.

(b) Entry on private property. The manager and other duly authorized employees of the "board" 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 manager or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, leather tanning 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.

(c) Safety. While performing the necessary work on private properties referred to in the above paragraph, the manager or duly authorized employees of the "board" 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 "board" employees and the "board" shall indemnify the company against loss or damage to its property by "board" 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.

(d) Easement. The manager and other duly authorized employees of the "board" bearing proper credentials and identification shall be permitted to enter all private properties through which the "board" holds a duly negotiated easement for the purpose of inspection, observations, 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.

(2) Rules and regulations. The "board" is authorized to make, promulgate, alter amend, or repeal such rules and regulations as are reasonably necessary to control the use of the wastewater control system. The violations of any such rules and regulations shall constitute a violation of this chapter.

(3) Public sewer specifications. All public sewers connected to the wastewater control system shall be constructed in accordance with the "board's" specifications for construction of public sewers in conformance with the rules and regulations for construction of public sewers imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency. (Ord. #02-16-99-1, March 1999)

CHAPTER 1

GENERAL WASTEWATER REGULATIONS

SECTION

- 18-101. Purpose and policy.
- 18-102. Administrative
- 18-103. Definitions.
- 18-104. Proper waste disposal required.
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- 18-109. Discharge regulations.
- 18-110. Enforcement and abatement.

18-101. Purpose and policy. This chapter sets forth uniform requirements for users of the Town of Bulls Gap, Tennessee, wastewater treatment system and enables the town to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

- (1) To protect public health,
- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the town to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge and biosolid use and disposal requirement, and any other Federal or State industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the Town of Bulls Gap must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system.

This chapter shall apply to all users inside or outside the town who are, by implied contract or written agreement with the town, dischargers of

applicable wastewater to the wastewater treatment facility. Chapter 2 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility. Chapter 2 details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

18-102. Administrative. Except as otherwise provided herein, the local administrative officer of the town shall administer, implement, and enforce the provisions of this chapter.

18-103. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Administrator." The administrator or the United States Environmental Protection Agency.

(2) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 U.S.C. § 1251, *et seq.*

(3) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(4) "Authorized or duly authorized representative" of industrial user:

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) The individual described in paragraphs (a)-(c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-109. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees Celsius (20°C) expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(8) "Categorical standards." The National Categorical Pretreatment Standards as found in 40 CFR chapter I, subchapter N, parts 405-471.

(9) "Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(10) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's/town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(11) "Composite sample." A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(12) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the local hearing authority if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

(13) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(14) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service.

(15) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a twenty-four (24) hour calendar day.

(16) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

(17) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(18) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(19) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(20) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(21) "Grab sample." A sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(22) "Grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. (gallons per minute) or less and is generally located inside the building.

(23) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. or more and is located outside the building.

(24) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(25) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(26) "Indirect discharge." The introduction of pollutants into the WWF from any non-domestic source.

(27) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. §1342).

(28) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

(29) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(30) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(31) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(32) "Local administrative officer." The chief administrative officer of the local hearing authority.

(33) "Local hearing authority." The board of mayor and aldermen or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to section 205.

(34) "National categorical pretreatment standard" Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

(35) "NAICS, North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) system.

(36) "New source." (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment

standards under section 307(c) of the Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(i) The building structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of parts (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph

(37) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Clean Water Act as amended.

(38) "Pass-through." A discharge which exits the Wastewater Facility (WWF) into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of

a violation of any requirement of the WWF's NPDES permit including an increase in the magnitude or duration of a violation.

(39) "Person." Any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(40) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(41) "Pollution." The man made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

(42) "Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

(43) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR section 403.6(d).

(44) "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

(45) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(46) "Pretreatment standards or standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

(47) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See WWF, Wastewater Facility, found in definition number (63), below.

(48) "Shall" is mandatory; "may" is permissive.

(49) "Significant industrial user." The term significant industrial user means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or

(b) Any other industrial user that: discharges an average of twenty five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(50) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-105(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90)

day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight times in four hours.

(51) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

(52) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(53) "State." The State of Tennessee.

(54) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(55) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(56) "Superintendent." The local administrative officer or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(57) "Surcharge." An additional fee assessed to a user who discharges compatible pollutants at concentrations above the established surcharge limits. Surcharge limits are the level at which the permit holder will be billed higher rates to offset the cost of treating wastewater which exceeds the surcharge limits. Exceeding a surcharge limit but not a monthly average or daily maximum limit will not result in enforcement action.

(58) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(59) "Town." The Board of Mayor and Aldermen, Town of Bulls Gap, Tennessee.

(60) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(61) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24)

hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(62) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, *Tennessee Code Annotated*, § 68-221-201.

(63) "Wastewater." The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

(64) "Wastewater facility" Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or Publicly Owned Treatment Works.

(65) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

(66) "1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements.

18-104. Proper waste disposal required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the town, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance or town or state regulations.

(3) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.

(4) Except as provided in (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities

directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available property owners shall within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) Discharging into the sanitary sewer without permission of the town is strictly prohibited and is deemed "theft of service."

(6) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-105.

(7) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(8) Users have a duty to comply with the provisions of this ordinance in order for the town to fulfill the stated policy and purpose. Significant Industrial users must comply with the provisions of this ordinance and applicable state and federal rules according to the nature of the industrial discharge.

18-105. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-104(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the town to do so.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department. The application for such approval shall be made on a form furnished by the county health department which the applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of

the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the town and the county health department.

18-106. Connection to public sewers. (1) Application for service.

(a) There shall be two (2) classifications of service:

(i) Residential; and

(ii) Service to commercial, industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a special form furnished by the town. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this ordinance. Service connection fees for establishing new sewer service are paid to the town. Industrial user discharge permit fees may also apply. The receipt by the town of a prospective customer's application for connection shall not obligate the town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's/town's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service.

(b) Users shall notify the town of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The town may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way 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. Any such connections which already exist on the effective date of this ordinance shall be completely and

permanently disconnected within sixty (60) days of the effective day of this ordinance. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The town shall make all connections to the public sewer upon the property owner first submitting a connection application to the town.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A service connection fee shall be paid to the town at the time the application is filed.

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The town will inspect the installation prior to backfilling and make the connection to the public sewer.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner including all service and connection fees. 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.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where property is subdivided and buildings use a common building sewer are now located on separate properties, the building sewers must be separated within sixty (60) days.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this chapter. All others may be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows: Conventional sewer system four inches (4").

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades: four inch (4") sewers - one-eighth inch (1/8") per foot.

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') feet per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe Schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, as it crosses the property line and one at each change of direction of the building sewer which is greater than forty-five degrees (45°) degrees. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4"). Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only by the town and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved pump system according to § 18-107 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the

town or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(h) Inspection of connections.

(i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

(ii) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. (a) Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the town. Owners failing to maintain or repair building sewers or who allow stormwater or ground water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service.

(b) The town may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

(c) The point of division between the building sewer and the town owned sewer tap or service connection shall be at the property line, right-of-way line, property line sewer cleanout, or such point in this general area as identified by the superintendent. The town owned tap or service line connection cannot extend onto private property except that minimal distance to the edge of right-of-ways, easements, or that distance necessary to cross other town utility lines and provide a location unencumbered by other underground town utilities where the user can make a connection to the building sewer without risk of damage to those other town utilities.

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the town. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <http://www.state.tn.us/environment/wpc/publications/>. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the town. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

18-107. Septic tank effluent pump or grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the town.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the town.

(b) Pumps must be approved by the town and shall be maintained by the town.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the town. Installation shall follow design criteria for STEP and GP systems as provided by the superintendent.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the town and connection will be made to the town sewer only after inspection and approval of the town.

(4) Ownership and easements. Homeowners or developers shall provide the town with ownership of the equipment and an easement for access to perform necessary maintenance or repair. Access by the town to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the superintendent.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the STEP and GP tank.

(d) Prohibited uses of the STEP and GP system.

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the town. However, pumping required more frequently than once every five years shall be billed to the homeowner.

(7) Additional charges. The town shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for similar problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call including but not limited to transportation, labor, materials, excavation, subcontractors, engineering fees, cleanup expenses, and other expenses related to the service call. In addition if the town receives regulatory fines related to equipment failure and sewage overflows all such fines will be passed on to the user.

18-108. Regulation of holding tank waste disposal or trucked in waste. (1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the town to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the town to be set as specified in § 18-107 of this ordinance. Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his discretion where it appears that the waste could interfere with the operation of the WWF.

(4) Revocation of permit. Failure to comply with all the provisions of the permit or this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of Bulls Gap.

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the superintendent. This approval may require testing, flow monitoring and record keeping.

18-109. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section or other pretreatment standard may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of §§ 18-110 and 18-105. A user may not contribute the following substances to any WWF:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Celsius (60° C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and other flammable substances.

(b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds forty degrees Celsius (40° C (one hundred four degrees Fahrenheit (104° F)) unless approved by the State of Tennessee.

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in non compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or

disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the WWF to violate its NPDES permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(n) Any waters containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(o) Any wastewater which causes a hazard to human life or creates a public nuisance.

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

(s) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. 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 superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(2) Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to chapter 2 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass through contamination.

(3) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Table A Plant Protection Criteria, unless specifically allowed by their discharge permit according to chapter 2 of this ordinance. Dilution of any wastewater discharge

for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A Plant Protection Criteria

Parameter	Maximum Concentration (mg/l)
Arsenic	
Benzene	
Cadmium	
Carbon Tetrachloride	
Chloroform	
Chromium (total)	
Copper	
Cyanide	
Ethybenzene	
Lead	
Mercury	
Methylene chloride	
Molybdenum	
Naphthalene	
Nickel	
Phenol	
Selenium	
Silver	
Tetrachloroethylene	
Toluene	
Total Phthalate	
Trichloroethylene	

Table A Plant Protection Criteria

Parameter	Maximum Concentration (mg/l)
1,1,1-Trichloroethane	
1,2 Transdichloroethylene	
Zinc	

(4) Fats, oils and grease traps and interceptors. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) Service and maintain the equipment in order to prevent impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plant, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Tennessee Department of Environment and Conservation engineering standards or applicable town guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the town is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the town. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the town has under this chapter, or state or federal law. The town retains the right to inspect and approve installation of control equipment.

(f) Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the town is prohibited.

(g) The superintendent may use industrial wastewater discharge permits under § 18-102 to regulate the discharge of fat, oil and grease.

18-110. Enforcement and abatement. Violators of these wastewater regulations may be cited to town court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the town may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to chapter 2. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The town may take any or all the following remedies:

(1) Cite the user to town or general sessions court, where each day of violation shall constitute a separate offense.

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, including if applicable legal costs, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system.

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL

SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a connection to the public sewer is required.
- 18-204. When a septic tank shall be used.
- 18-205. Registration and records of septic tank cleaners, etc.
- 18-206. Use of pit privy or other method of disposal.
- 18-207. Approval and permit required for septic tanks, privies, etc.
- 18-208. Owner to provide disposal facilities.
- 18-209. Occupant to maintain disposal facilities.
- 18-210. Only specified methods of disposal to be used.
- 18-211. Discharge into watercourses restricted.
- 18-212. Pollution of ground water prohibited.
- 18-213. Enforcement of chapter.
- 18-214. Carnivals, circuses, etc.
- 18-215. Violations and penalty.

18-201. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred feet (200') of any boundary of said property measured along the shortest available right-of-way.

(2) "Approved septic tank system." A water tight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than seven hundred fifty (750) gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled *Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields*. A minimum liquid depth of four feet (4") should be provided with a minimum depth of air space above the liquid of one foot (1'). The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(3) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(4) "Human excreta." The bowel and kidney discharges of human beings.

(5) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(6) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(7) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1996 Code, § 18-201)

18-202. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1996 Code, § 18-202)

18-203. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1978 Code, § 18-203)

18-204. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1996 Code, § 18-204)

18-205. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of

removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1996 Code, § 8-205)

18-206. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1996 Code, § 18-206)

18-207. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1996 Code, § 18-207)

18-208. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-202, or the agent of the owner to provide such facilities. (1996 Code, § 18-208)

18-209. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1996 Code, § 18-209)

18-210. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1996 Code, § 18-210)

18-211. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1996 Code, § 18-211)

18-212. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or

artificial in any formation which may permit the pollution of ground water. (1996 Code, § 18-212)

18-213. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within thirty (30) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1996 Code, § 18-213)

18-214. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of thirty (30) days provided for in the preceding section. (1978 Code, § 18-214)

18-215. Violations and penalty. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1996 Code, § 18-215)

CHAPTER 3**CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.**¹**SECTION**

- 18-301. Definitions.
- 18-302. Regulated.
- 18-303. Statement required.
- 18-304. Violations and penalty.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "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.

(4) "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 normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(5) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(6) "Public water supply." The waterworks system furnishing water to the municipality for general use and which supply is recognized as the public water supply by the Tennessee Department of Health. (1996 Code, § 18-301)

18-302. Regulated. 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

¹Municipal code references

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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 superintendent of the waterworks. (1996 Code, § 18-302)

18-303. 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 insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks 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 until the construction and operation of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the waterworks. (1996 Code, § 18-303)

18-304. Violations and penalty. 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 such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the waterworks. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the waterworks shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued. (1996 Code, § 18-304)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

[RESERVED FOR FUTURE USE]

ORDINANCE NO. 11-20-17-01

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF BULLS GAP, TENNESSEE.

WHEREAS some of the ordinances of the Town of Bulls Gap are obsolete, and

WHEREAS some of the other ordinances of the Town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Bulls Gap, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Bulls Gap Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF BULLS GAP, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the Town of Bulls Gap of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Bulls Gap Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city/town or authorizing the issuance of any bonds or other evidence of said city's/town's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city/town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city/town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city/town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.¹

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see *Tennessee Code Annotated*, § 40-24-101 *et seq.*

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city/town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

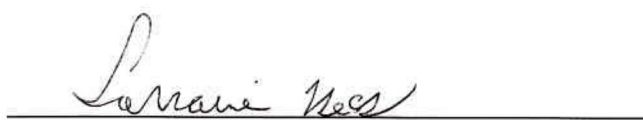
Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, November 20, 2017.

Passed 2nd reading, January 15, 2018.


Mayor


Recorder

