

**THE
CLARKSBURG
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

September 2011

CITY OF CLARKSBURG, TENNESSEE

MAYOR

Jeff Reed

ALDERMEN

Jerry McDaniel
Lee Woods

RECORDER

Terry L. McCoy

PREFACE

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

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

By utilizing the table of contents, 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 ordinance book or the city recorder for a comprehensive and up to date review of the city's ordinances.

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to 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, Linda Winstead, Nancy Gibson, and Emily Keyser, is gratefully acknowledged.

Stephanie Allen
Codification Consultant

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
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 on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)

2. 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. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Effective date.
- 1-102. Dates of election.
- 1-103. Length of term for mayor and aldermen.
- 1-104. Date new mayor and aldermen take office.

¹Charter references

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

Municipal code references

Utilities: titles 18 and 19.
Wastewater treatment: title 18.
Zoning: title 14.

²Charter references

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

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

1-101. Effective date. Pursuant to Tennessee Code Annotated, § 6-3-104, the new election date shall not become effective until after the next election. This means that the City of Clarksburg would have to have one more election in November, 2002, before the new August election date would be effective. (Ord. #5-6-02, June 2002)

1-102. Dates of election. The next election will be Nov. 5, 2002 with the next election being August of 2006. (Ord. #5-6-02, June 2002)

1-103. Length of term for mayor and aldermen. The mayor and aldermen will serve four (4) year terms.

1-104. Date new mayor and aldermen take office. The mayor and aldermen shall take office at the first regularly scheduled meeting in September following the election in August.

CHAPTER 2

CODE OF ETHICS

SECTION

- 1-201. Definitions.
- 1-202. Disclosure of personal interest in voting matters.
- 1-203. Disclosure of personal interest in non-voting matters.
- 1-204. Acceptance of gifts and other things of value.
- 1-205. Ethics complaints.
- 1-206. Gift exceptions.
- 1-207. Disposition of gifts.
- 1-208. Violations.
- 1-209. Repealer clause.
- 1-210. City recorder to file copy of chapter with Tennessee Ethics Commission.
- 1-211. Applicable state laws.
- 1-212. Conflict of interest disclosure form.

1-201. Definitions. (1) "City" means City of Clarksburg, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the city or an official of the city.

(2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the city.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with the code of ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity. (Ord. #05-07-07, June 2007)

1-202. Disclosure of personal interest in voting matters. An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure. (Ord. #05-07-07, June 2007)

1-203. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects

or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, their interest on the attached disclosure form and file the disclosure form with the city recorder. In addition, the official or employee may, to the extent allowed by law, recuse himself from the exercise of discretion in the matter. (Ord. #05-07-07, June 2007)

1-204. Acceptance of gifts and other things of value. An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the city:

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

(2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing city business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of city government officials or by an umbrella or affiliate organization of such statewide association of city government officials. (Ord. #05-07-07, June 2007)

1-205. Ethics complaints. A city ethics committee (the "ethics committee") consisting of five (5) members shall be appointed to one (1) year terms by the mayor with confirmation by the city legislative body, to be appointed each year at the same time as internal committees of the city. At least two (2) members shall be city aldermen; one (1) member shall be the mayor, and the remaining members may be either a member of a board, committee, commission, authority, corporation, or other instrumentality governed by this policy, or an additional member of the city legislative body. The ethics committee shall convene as soon as practicable after their appointment and elect a chair and a secretary. The records of the ethics committee shall be maintained by the secretary and shall be filed in the office of the city recorder, where they shall be open to public inspection.

Questions and complaints regarding violations of this code of ethics or of any violation of state law governing ethical conduct shall be directed to the chair of the ethics committee. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The city ethics committee shall investigate any credible complaint against an official or employee charging any violation of this code of ethics, or may

undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the committee's judgment, constitutes a violation of this code of ethics. If a member of the committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

The committee may:

(1) Refer the matter to the city attorney for a legal opinion and/or recommendations for action;

(2) In the case of an official, refer the matter to the city legislative body for possible public censure if the city legislative body finds such action warranted;

(3) In the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;

(4) In a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution;

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics. When a violation of this code of ethics also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #05-07-07, June 2007)

1-206. Gift exceptions. Section 1-203 of this chapter is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the covered officer or employee, or a member of his or her immediate family, pays the fair market value.

(3) Any contribution that is lawfully made to the covered officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fund-raising event in support of a political organization or candidate.

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift was also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars (\$50.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered.

For the purpose of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and intergovernmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(10) Bequests, inheritances, and other transfers at death.

(11) Ceremonial gifts or awards which have insignificant monetary value.

(12) Unsolicited gifts of nominal value or trivial items of informational value. (Ord. #05-07-07, June 2007)

1-207. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member, does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives

the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. #05-07-07, June 2007)

1-208. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the city charter or other applicable law and, in addition, is subject to censure by the city council. An appointed official or employee who violates any provision of this chapter is subject to disciplinary action up to, and including, termination of employment. (Ord. #05-07-07, June 2007)

1-209. Repealer clause. All other ordinances and parts of ordinances which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency. (Ord. #05-07-07, June 2007)

1-210. City recorder to file copy of chapter with Tennessee Ethics Commission. Upon adoption by the board of mayor and aldermen, the city recorder is hereby directed to file a duly signed and attested copy of the ordinance comprising this chapter with the Tennessee Ethics Commission, in compliance with section 49 of Public Chapter No. 11. of the Extraordinary Sessions of the 2006 Tennessee General Assembly. (Ord. #05-07-07, June 2007)

1-211. Applicable state laws. In addition to the ethical principles set out in this code of ethics, state laws also provide a framework for the ethical behavior of city officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control.

Following is a brief summary of selected state laws concerning ethics in government. For the full text of these statutes, see the Tennessee Code Annotated, sections indicated.

(1) **Campaign finance.** Tennessee Code Annotated, title 2, chapter 10, part one (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

(2) **Conflict of interest.** Tennessee Code Annotated, § 12-4-101 is the general conflict of interest statute that applies in all cities. It prohibits anyone

who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

(3) Conflict of interest. Tennessee Code Annotated, § 49-6-2003 applies to the department of education in all cities and prohibits direct or indirect conflicts of interest in the sale of supplies for use in public schools.

(4) Conflict of interest. Tennessee Code Annotated, § 6-54-107 prohibits city officials from having any direct interest in city contracts, and requires disclosure of any indirect interest.

(5) Conflict of interest. Tennessee Code Annotated, § 6-54-108 sets penalties for unlawful interests officials may have in city contracts.

(6) Conflict of interest disclosure statements. Tennessee Code Annotated, § 8-50-501 and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

(7) Honoraria. Tennessee Code Annotated, § 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in their official capacity.

(8) Rules of the Supreme Court. Rule 10, Canon 5 Code of Judicial Conduct establishes ethical rules for judges and other court personnel when exercising judicial functions.

(9) Consulting fee prohibition for elected officials. Tennessee Code Annotated, §§ 2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing city legislative or administration action.

(10) Crimes involving public officials. Tennessee Code Annotated, § 39-16-101 and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

(11) Official misconduct. Tennessee Code Annotated, § 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

(12) Official oppression. Tennessee Code Annotated, § 39-16-403 prohibits abuse of power by a public servant.

(13) Bribery for votes. Tennessee Code Annotated, §§ 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.

(14) Misuse of official information. Tennessee Code Annotated, § 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information which was obtained in an official capacity and is not available to the public.

(15) Ouster law. Tennessee Code Annotated, § 8-47-101 sets out conduct which is punishable by ouster from office, including misconduct in office and neglect of duty. (Ord. #05-07-07, June 2007, modified)

1-212. Conflict of interest disclosure form.

CITY OF CLARKSBURG

CONFLICT OF INTEREST DISCLOSURE STATEMENT

Instructions: This form is for reporting personal interests required to be disclosed under § 1-203 of the Clarksburg Municipal Code. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

1. Date of disclosure: _____
2. Name of official or employee: _____
3. Office and position: _____
4. Description of personal interest (describe below in detail):

Signature of official or employee

Witness Signature

Printed name of witness

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3**MUNICIPAL COURT****CHAPTER**

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.

CHAPTER 1**CITY JUDGE¹****SECTION**

- 3-101. City judge.
- 3-102. Jurisdiction.

3-101. City judge. (1) Appointment. The city judge designated by the charter to handle judicial matters within the city shall be appointed by the board of mayor and aldermen and shall serve at the pleasure of the governing body. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the city judge.

(2) Qualifications. The city judge shall be licensed by the State of Tennessee to practice law, and be a resident of Carroll County. If the city judge for any reason removes his domicile from Carroll County after his appointment, the removal of his domicile shall automatically create a vacancy in the office of city judge.

(3) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge.

3-102. Jurisdiction. The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the general penalty provision of this code.

¹Charter reference

City judge: chapter 4, part 3.

CHAPTER 2

COURT ADMINISTRATION¹

SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

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

3-204. Contempt of court.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant.

3-202. Imposition of penalties and costs. All penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard and determined by him, the city judge shall impose court costs in the amount of eighty-one dollars (\$81.00). One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

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

3-204. Contempt of court. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

¹Charter reference

City court: chapter 4, part 3.

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 city judge, the judge may in his discretion issue a summons ordering the alleged offender personally to appear before the city 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 municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the city 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.

3-302. Issuance of subpoenas. The city 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.

TITLE 4

MUNICIPAL PERSONNEL

[RESERVED FOR FUTURE USE]

TITLE 5

MUNICIPAL FINANCE AND TAXATION

[RESERVED FOR FUTURE USE]

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.

CHAPTER 1

POLICE DEPARTMENT

SECTION

- 6-101. Policemen subject to chief's orders.
6-102. Policemen to preserve law and order, etc.
6-103. Police department records.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue.

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court.

6-103. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals, convoyed, fire calls answered, and other miscellaneous activities of the police department.
- (4) Any other records required to be kept by the board of mayor and aldermen or by law.

The police chief shall be responsible for insuring that the police department complies with the section.

CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When policemen to make arrests.

6-202. Disposition of persons arrested.

6-201. When policemen to make arrests. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

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

6-202. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, with the ranking police officer on duty. If the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender.

TITLE 7

FIRE PROTECTION AND FIREWORKS

[RESERVED FOR FUTURE USE]

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, sell, furnish, or solicit orders for any intoxicating liquor within the City of Clarksburg. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew", "moonshine," and all other intoxicating, spiritous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (Ord. #4-11-00.A, April 2000)

¹State law reference
Tennessee Code Annotated, title 57.

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 10

ANIMAL CONTROL

[RESERVED FOR FUTURE USE]

TITLE 11**MUNICIPAL OFFENSES¹****CHAPTER****1. MISCELLANEOUS.****CHAPTER 1****MISCELLANEOUS****SECTION**

11-101. Disturbing the peace.

11-102. Disorderly houses.

11-103. Resisting or interfering with city personnel.

11-104. Impersonating a government officer or employee.

11-105. Abandoned refrigerators, freezers, or any appliance with a locking door.

11-106. Interference with traffic.

11-107. Penalty.

11-101. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous (to make a noise uncontrollably noisy, unruly or clamorous) conduct and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

11-102. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarreling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person knowingly to visit any such house for the purpose of engaging in such activities.

11-103. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties.

¹Municipal code references

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

11-104. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the City of Clarksburg. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee.

11-105. Abandoned refrigerators, freezers, or any appliance with a locking door. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door.

11-106. 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.

11-107. Penalty. Wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any unlawful act is required or the failures to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty or not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section 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 applicable law.

Each day any violation of the municipal code continues shall constitute a separate offense. (Ord. #4-11-00B, April 2000, modified)

TITLE 12

BUILDING, UTILITY, ETC. CODES

[RESERVED FOR FUTURE USE]

TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER

1. MISCELLANEOUS.
2. MINIMUM PROPERTY MAINTENANCE REQUIREMENTS.
3. ELIMINATION OF DANGEROUS STRUCTURES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Unlawful to allow weeds, junk cars, abandoned appliances and other debris to accumulate on the premises.
- 13-102. Definitions.
- 13-103. Notice to clean up premises by owner.
- 13-104. Cleaning up premises by the city.
- 13-105. Collection of costs incurred by city.
- 13-106. Administration.
- 13-107. Attorney's fee for collecting costs.

13-101. Unlawful to allow weeds, junk cars, abandoned appliances and other debris to accumulate on the premises. The owners and/or occupants of all lots or property within the corporate limits of the City of Clarksburg are hereby required to cut, trim or remove all weeds, grass, tree branches and offensive or hazardous materials from the site. It shall be unlawful for any person to allow junk cars, abandoned appliances and other debris to accumulate on property under their control.

This chapter shall be enforceable when it is determined by the building inspector/code enforcement officer, that a nuisance or a health hazard exists. (Ord. #10-5-00, Oct. 2000)

13-102. Definitions. The purpose of this section is to eliminate ambiguity by providing full definition of certain words which are used in this chapter.

(1) "Abandoned appliances." Any manufactured appliance(s) not functional and not presently used for its manufacture purpose.

(2) "Grass." Any of numerous plants of the grass family measured to be a minimum of one foot in height measuring from the base of the plant at ground-surface level.

(3) "Junk car." Any automobile or any motor vehicle manufactured for transportation which is incapable of being self-propelled upon the public streets

or which does not meet the requirements for operation upon the public streets including current licenses and registration also, if the vehicle is not functional within sixty (60) days of the notice and registered within sixty (60) days is considered a junk car.

(4) "Offensive or hazardous materials." Any tangible or intangible material which is disagreeable to the senses and/or a material which may be dangerous to the environment or the people.

(5) "Weeds." Any of various usually common or abundant growing plants measured to be a minimal of one (1) foot in height measuring from the base of the plant at ground-surface level. (Ord. #10-5-00, Oct. 2000)

13-103. Notice to clean up premises by owner. Upon the failure of any owner to cut, trim, and remove all weeds, grass, tree branches, and offensive or hazardous materials and/or junk cars, abandoned appliances, and other debris as noted in the first section of this chapter, it shall be the duty of the building inspector/code enforcement officer to serve a notice mailed by certified mail to the last known address of the person or persons having control over the building premises, or such notice may be served personally to the owner of the property or may be posted on the property on which the violation exists. Service of notice shall consist of any of the above methods and shall state:

You are hereby notified that the premises under your control, being (property description) have been found to be in an unsanitary, unhealthy and unattractive condition.

You are directed by the City of Clarksburg, Tennessee, to remove all accumulation of _____ (weeds, grass, tree branches, offensive or hazardous materials to include junk cars, abandoned appliances and other debris) from the premises within the next ten (10) days at your own expense.

Should you fail to act upon this directive within the above described time, the city shall take appropriate action. (Ord. #10-5-00, Oct. 2000)

13-104. Cleaning up the premises by the city. The owners of all lots or property in violation may request that the City of Clarksburg, Tennessee, clean up the premises with the property owner reimbursing the city of the costs incurred by the city for such cutting, cleaning or removal of debris on their property, and all such costs and payment methods shall be set by the city.

Upon failure of any owner of lots or property to cut/remove or to refuse to be cut/removed all violations specified in this chapter upon the property described in the sections above, within ten (10) days thereof the street department, acting through the director of public works, and at his direction, is authorized and directed to cut/remove or have cut/removed, trimmed, clipped,

or cleared all such violations as specified in this chapter and a statement of the cost thereof shall be prepared by the office of the director of public works and filed with the city clerk for collection. Pursuant to the authority conferred by the General Assembly of Tennessee, a tax lien may be declared on such property for all costs and expenses, of cutting, trimming or removing incurred by the street department if costs incurred are not reimbursed to the city by the property owner after submission of statement of costs. (Ord. #10-5-00, Oct. 2000)

13-105. Collection of costs incurred by city. Upon receipt of such statement of costs, the city clerk shall bill the owner, by certified mail in a manner similar to that followed in mailing monthly utility bills, for the amount of the costs incurred by the city for such cutting or clearing of his property and that such bills or charges shall bear interest at the rate of ten percent (10%) per annum during that period of time commencing thirty (30) days after the date of mailing such bills or statements of charges and ending on the date of payment. At the same time unpaid real estate taxes are certified or turned over to the city attorney for collection, the city clerk may also certify to turn over to him for collection all unpaid and uncollected bills or charges for the cutting, trimming or removal of the accumulated debris specified in this chapter, and the city attorney shall file suit or take such other steps as may be necessary to enforce the lien for same on such property (Ord. #10-5-00, Oct. 2000)

13-106. Administration. The city building inspector shall be responsible for the administration and enforcement of this chapter. (Ord. #10-5-00, Oct. 2000)

13-107. Attorney's fee for collecting costs. All uncollected sums for the cutting, trimming, and removal of the accumulated debris, as specified in this chapter, for each year, including interest and all costs incurred by the city for remedying the specified violation, after notice to the property owner as herein provided, are hereby declared to be a special tax to be collected as other general taxes levied by the city, including real estate taxes and special assessments. When placed in the hands of the city attorney for collection, fifteen percent (15%) of the unpaid charges for such costs incurred by the city, shall be added to the principal and interest for the attorney's services in making such collection and retained by him. (Ord. #10-5-00, Oct. 2000)

CHAPTER 2

MINIMUM PROPERTY MAINTENANCE REQUIREMENTS

SECTION

- 13-201. Definitions.
- 13-202. Duty to maintain property.
- 13-203. Declaration of public nuisance.
- 13-204. Service of complaints or orders.
- 13-205. Initiation of proceedings; hearings.
- 13-206. Abatement of nuisance.
- 13-207. Enforcement.
- 13-208. Third party liability.
- 13-209. Severability.

13-201. Definitions. The definitions set forth in this chapter shall apply:

- (1) "City." City means the City of Clarksburg, Tennessee.
- (2) "Dwelling." Dwelling means any structure used for the human habitation, including but not limited to, single and multifamily dwellings, apartment buildings, duplexes, hotels, motels, mobile homes, and other structures whether fixed or mobile, temporary or permanent in nature.
- (3) "Governing body." Governing body means the Board of Mayor and Aldermen of the City of Clarksburg.
- (4) "Junk." Junk means discarded, broken or disabled material including, but not limited to: furniture; appliances; tools; machinery; vehicles of any kind; or other items that are not in functioning condition.
- (5) "Litter." Litter means discarded waste materials, including but not limited to: paper wrappings; packaging materials; discarded or used bottles; and discarded or used cans.
- (6) "Owner." Owner means any person owning property, as shown on the real property records of Carroll County or on the last assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.
- (7) "Property." Property means land and any buildings or structures located thereon.
- (8) "Public officer." Public officer shall mean the mayor or the mayor's designee.
- (9) "Trash." Trash means waste food products and other household garbage or discarded items. (Ord. #7-6-01, Aug. 2001)

13-202. Duty to maintain property. No person owning, leasing, renting, occupying, being in possession or having charge of any property in the city, including vacant lots, shall maintain or allow to be maintained on such

property, except as may be permitted by any other city ordinance, any of the following conditions visible from any public street or alley:

(1) Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lot;

(2) Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;

(3) Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacant lot;

(4) Shopping carts in any front yard, side yard, rear yard or vacant lot of any property;

(5) Dead, decayed, diseased or hazardous trees, or any other vegetation a majority of which (other than vegetation located in flowerbeds, or trees or shrubbery) exceeds twelve inches (12") in height, or which is dangerous to public health, safety and welfare, located in any front yard, side yard, rear yard, or upon any vacant lot;

(6) Graffiti or signs, not in compliance with any city zoning code, on the exterior of any building, fence or other structure in any front yard, side yard or rear yard or vacant lot;

(7) Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;

(8) Utility trailers or unmounted camper tops located in any front yard except in the driveway;

(9) Any accumulation of weeds, brambles, berry vines, or other vegetation which is over-growing any structure or which exceeds an average height of twelve inches (12"), other than maintained landscaping, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant water, combustible materials or vegetation, and similar materials or conditions constituting fire, health or safety hazard;

(10) Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice or other rodents.

(11) Swine, chickens, cattle or other livestock or animals located within three hundred feet (300') of any home or business located within the corporate limits of the City of Clarksburg.

(12) Any structure used for dwelling purposes without potable water, or sanitary sewer facilities. (Ord. #7-6-01, Aug. 2001)

13-203. Declaration of public nuisance. A public nuisance may be declared by the mayor as the public officer designated under this chapter, or by

a petition filed by at least five (5) residents of the city.¹ (Ord. #7-6-01, Aug. 2001)

13-204. 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 person is 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 of record in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the 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 Carroll County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #7-6-01, Aug. 2001)

13-205. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, or that a nuisance exists, 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 or premises 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 serving of said 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 court of law or equity shall not be controlling in hearings before the public officer. (Ord. #7-6-01, Aug. 2001)

13-206. Abatement of nuisance. Upon conclusion of the hearing, any property found to be maintained in violation of § 13-202 of this chapter is hereby declared to be a public nuisance and shall be abated upon the order of the mayor, as authorized by the Tennessee Code Annotated, § 13-21-101(8), by rehabilitation, removal, trimming, demolition or repair by the owner. Failure of the owner to comply with this chapter within thirty (30) days of the

¹State law reference

Tennessee Code Annotated, § 13-21-103.

determination of the hearing that a nuisance exists shall result in the City of Clarksburg eliminating, or causing to eliminate by either city employees or private contractor which shall act as an agent of the city, such nuisance, and the owner of the property shall pay the costs to the city. Failure to pay such actual costs within ninety (90) days of the abatement shall result in a lien being filed against the property with the recorder of deeds office in Carroll County. Such failure to pay for the costs incurred by the City of Clarksburg shall hereby be construed as the same as delinquent taxes, and shall be collected in the same manner as delinquent taxes. Any additional fines and court costs imposed by the city judge for ordinance violation are separate from actual costs incurred by the city for abatement of a declared nuisance, and shall be paid in a manner prescribed by the city judge. In addition, the public officer may cause to be posted on the main entrance to any dwelling ordered closed a placard with the following words: "This building is unfit for human occupancy or use; the occupation or use of this building for human occupancy or use is prohibited and unlawful." (Ord. #7-6-01, Aug. 2001, modified)

13-207. Enforcement. The provisions of this chapter shall be enforced pursuant to provisions of the charter of the City of Clarksburg, or as may subsequently be amended. Each and every day such nuisance shall continue after proper notification shall constitute a separate offense. (Ord. #7-6-01, Aug. 2001)

13-208. Third party liability. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

It is the specific intent of this chapter to place the obligation of complying with its requirements upon the property owner or owners and no provisions nor term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers and employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. #7-6-01, Aug. 2001)

13-209. Severability. Should any section, paragraph, sentence, clause or phrase of this chapter, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this chapter be preempted by state or federal law or regulation, such decision or legislation shall not affect the validity of the remaining portions of this chapter or its application to other persons or circumstances. (Ord. #7-6-01, Aug. 2001)

CHAPTER 3

ELIMINATION OF DANGEROUS STRUCTURES

SECTION

- 13-301. Purpose.
- 13-302. Definitions.
- 13-303. Unfit or dangerous structures.
- 13-304. Condition rendering structure unfit or dangerous.
- 13-305. Designation of public officer.
- 13-306. Powers given public officer.
- 13-307. Service of complaints or orders.
- 13-308. Hearing on complaints or petitions.
- 13-309. Finding of dangerous or unfit structures.
- 13-310. Failure to comply with order.
- 13-311. Removal or demolition by municipality.
- 13-312. Recovery of cost and placement of liens.
- 13-313. Allocation of funds for program.
- 13-314. Applicability.
- 13-315. Conflicts.

13-301. Purpose. The purpose of this chapter is to provide the necessary administrative and legal procedures as required by the Charter of the City of Clarksburg and Tennessee Code Annotated, § 13-21-103, for the designation of unsafe, hazardous or dangerous dwellings and structures and for the abatement of same within the municipality. (Ord. #04-14-08B, April 2008)

13-302. Definitions. The following terms wherever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

(1) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human residential habitation or abode 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 Alderman and Mayor of the City of Clarksburg.

(3) "Municipality" shall mean the City of Clarksburg, Tennessee.

(4) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.

(5) "Parties of interest" shall mean all individuals, associations, corporations and others who have interest of record in a structure and any who are in possession thereof.

(6) "Place of public accommodation" shall mean 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 municipality relating to health, fire, building regulations, or other activities concerning structures in the municipality.

(8) "Public officer" shall mean the officer or officers who are authorized herein below to exercise the powers prescribed by this chapter.

(9) "Structure" shall mean any dwelling, any place of public accommodation; any place wherein business, trade, commerce or manufacture is conducted; any advertising sign; fences or any other similar man-made facility or object. (Ord. #04-14-08B, April 2008)

13-303. Unfit or dangerous structures. All dwellings, structures and other similar facilities within the municipality which are unsuitable or unsafe for human occupancy or use due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; damage from fire; lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe, unsanitary, dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the appropriate public official declared as an "unfit or dangerous structure," and shall be and is hereby declared to be a public nuisance, which shall be upon application of the proper procedure by a public authority abated as directed. (Ord. #04-14-08B, April 2008)

13-304. Condition rendering structure unfit or dangerous. The public officer may determine that a structure is unfit for human occupation or use, if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety, or morals of the occupants of such structure, the occupants of neighboring structures or other residents of the municipality. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation, caused either by neglect or fire or other such damage; disrepair; structural defects, or uncleanness. The public officer of public authority may also utilize the standards and requirements of other related adopted codes of the municipality, such as the building code, housing code, etc. (Ord. #04-14-08B, April 2008)

13-305. Designation of public officer. The codes enforcement official/building inspector is designated as the principle public officer for the administering and enforcement of the provisions of this chapter; however, the following duly elected or appointed and serving officers or employees of the City of Clarksburg are also authorized to enforce the provisions of this chapter:

- (1) Fire marshal/fire chief;
- (2) Chief of police;
- (3) City recorder;
- (4) City attorney;
- (5) City mayor. (Ord. #04-14-08B, April 2008)

13-306. Powers given public officer. The Mayor and Board of Aldermen of the City of Clarksburg hereby authorizes the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions if this chapter, including the following powers in addition to others herein granted:

- (1) To investigate conditions in the municipality 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 examinations, provided that such entries 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 seems necessary to carry out the purpose of this chapter.
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #04-14-08B, April 2008)

13-307. Service of complaints or orders. Complaints or orders issued by a public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is 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 local newspaper distributed within the city. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall be filed for record in the Register's Office, Carroll County, Tennessee, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. #04-14-08B, April 2008)

13-308. Hearing on complaints or petitions. Whenever a petition is filed with the public officer by a public authority; or by at least five (5) residents of the municipality charging that any structure is dangerous or unfit for human occupations or use; or whenever it appears to the governing body (on his own motion) that any structure is dangerous or unfit for human occupation or use, the governing body 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 governing body (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the governing body. (Ord. #04-14-08B, April 2008)

13-309. Finding of dangerous or unfit structures. If after such notice and hearing, the governing body determines that the structure under consideration is dangerous or unfit for human occupation or use, then the public officer shall issue and cause to be served upon the owner thereof and order stating that:

(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 (fifty percent (50%) shall be considered a reasonable value) the owner will be required, within the time specified in the order, to repair, alter, or improve such structure to render it safe or fit for human occupations or use, or to vacate and close the structure as a place of human occupation or use; or

(2) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to value of the structure (fifty percent (50%) shall be considered reasonable), the owner will be required, within the time specified in the order, to remove or demolish such structure. (Ord. #04-14-08B, April 2008)

13-310. Failure to comply with order. If the owner fails to comply with an order to repair, alter, or improve, or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed. The public officer may cause to be posted on the main entrance of any structure so closed (or on the most publicly visible point of a structure such as a billboard or a fence) a placard with the following words, "This structure or building is dangerous or unfit for human occupation or use, and the utilization of this structure or building for human occupation or use is prohibited and unlawful." (Ord. #04-14-08B, April 2008)

13-311. Removal or demolition by municipality. If the owner fails to comply with an order to remove or demolish the structures, the public officers may cause such structure to be removed or demolished. (Ord. #04-14-08B, April 2008)

13-312. Recovery of cost and placement of liens. The amount of the cost of such repairs, alternations, or improvements, or vacating and closing, or

removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred.

(1) If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of removal or demolition, and any balance remaining shall be deposited in the chancery court 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.

(2) Nothing in this section or chapter shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #04-14-08B, April 2008)

13-313. Allocation of funds for program. The governing body of the municipality shall prepare an estimate of the annual expenses of cost to establish, maintain and administer the program authorized by this chapter, and same shall be allocated and funded as a component of the city's annual general fund budget. (Ord. #04-14-08B, April 2008)

13-314. Applicability. The provisions of this chapter extend to all man-made structures within the municipality, including, but not limited to: residential dwellings or abodes; commercial, business or industrial facilities; storage buildings; barns, sheds, and outbuildings; towers; outdoor advertising signs or billboards, and fences. (Ord. #04-14-08B, April 2008)

13-315. Conflicts. In any case where the provisions of this chapter may be in conflict with the provisions of other chapters of the City of Clarksburg which relate to the regulations of dangerous, unfit, or nonconforming buildings or structures, the provisions of the chapter or regulations providing the highest degree of protection to the residents of the municipality shall prevail. (Ord. #04-14-08B, April 2008)

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOME PARKS.

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

- 14-101. Creation and membership.
- 14-102. Appointments to commission.
- 14-103. Terms of members.
- 14-104. Vacancies.
- 14-105. Opt out provision.

14-101. Creation and membership. A planning commission is established for the City of Clarksburg pursuant to Tennessee Code Annotated, §13-4-101, et seq., which shall consist of five (5) members as follows: one (1) member shall be the mayor of the City of Clarksburg; one (1) member shall be an alderman of the City of Clarksburg; the remaining three (3) members shall be members of the community. (Ord. #08-07-06, Aug. 2006)

14-102. Appointments to commission. The mayor and board of alderman shall select by majority vote an alderman of the City of Clarksburg to serve as a member of the planning commission. The mayor shall appoint the remaining three (3) members of the planning commission from members of the community. In making such appointments, the mayor shall strive to ensure that the racial composition of the planning commission is reflective of the community. (Ord. #08-07-06, Aug. 2006)

14-103. Terms of members. The terms of the members of the planning commission shall be three (3) years. The length of the inaugural member's terms shall be set by the mayor and board of alderman and staggered so that at least one (1) member's term will expire each year. Members may be appointed or selected for consecutive terms. (Ord. #08-07-06, Aug. 2006)

14-104. Vacancies. Any vacancy in an appointed membership shall be filled for the unexpired term by the mayor. The mayor shall also have the

authority to remove any appointed member at the mayor's pleasure. (Ord. #08-07-06, Aug. 2006)

14-105. Opt out provision. The City of Clarksburg opts out of the provisions of Tennessee Code Annotated, § 13-4-301(c) that require members of the planning commission, full-time or contract planners or other administrative officials to attend training and continuing education, pursuant to Tennessee Code Annotated, §13-4-301(c)(9). (Ord. #08-07-06, Aug. 2006)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of Clarksburg shall be governed by Ordinance #01-11-07, titled "Clarksburg Zoning Ordinance," and any amendments thereto.¹

¹Ordinance #01-11-07, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.

CHAPTER 3

MOBILE HOME PARKS

SECTION

- 14-301. Purpose.
- 14-302. Definitions.
- 14-303. Restrictions.
- 14-304. License required.
- 14-305. Application.

14-301. Purpose. The purpose of this chapter is to maintain the city's beauty, promote the construction of new homes, and increase property values. (Ord. #8-5-02, Aug. 2002)

14-302. Definitions. The purpose of this section is to eliminate ambiguity by providing full definitions of certain words which are used in this chapter.

(1) "Mobile home" means any portable structure or vehicle, which is constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes; "mobile home" includes double wide and single wide trailers.

(2) "Mobile home park" means any plot or plots of ground contiguous to each other under common ownership upon which more than one mobile home, occupied or unoccupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

(3) "Unoccupied lot" means any plot of ground or location within a mobile home park that does not have a functional inhabitable mobile home located thereon for a period of thirty (30) days. (Ord. #8-5-02, Aug. 2002)

14-303. Restrictions. The following restrictions apply to all property located within the City of Clarksburg:

(1) No mobile home parks shall be allowed within the City of Clarksburg.

(2) Any mobile home park in existence on the effective date of this chapter shall be exempt except that no mobile home park shall be allowed to add additional mobile homes or replace an existing mobile home if the existing mobile home is permanently or temporarily removed, destroyed, or otherwise disposed of leaving an unoccupied lot as defined above.

(3) Notwithstanding the restrictions set out in § 14-303(1), a mobile home park existing on the effective date of the ordinance comprising this chapter may replace an existing mobile home with another mobile home of the same model year as the year in which the mobile home is being replaced. The foregoing exception only allows for the replacement of an existing mobile home

if done within thirty (30) days of said mobile home being permanently or temporarily removed, destroyed, or otherwise disposed of.

(4) This chapter shall not be construed to allow the placement of a mobile home on an unoccupied lot or to allow additional mobile homes to be placed within a mobile home park except as set out in § 14-303(2) to allow for the replacement of existing mobile homes.

(5) A mobile home park owner or owners who violate this section shall be assessed a fine of fifty dollars (\$50.00) per day for each violation until full compliance. (Ord. #8-5-02, Aug. 2002)

14-304. License required. (1) It shall be unlawful for any person to maintain or operate within the corporate limits of the city any mobile home park unless such person shall first obtain a license therefore. The owner or owners of a mobile home park in existence upon the effective date of the ordinance comprising this chapter shall within ninety (90) days thereafter obtain such license. The fee for obtaining a mobile home park license shall be seventy-five dollars (\$75.00) per mobile home park.

(2) A license issued to a mobile home park owner is non-transferable. Any subsequent owner of an existing mobile home park must apply for a license within ninety (90) days of obtaining ownership.

(3) Until full compliance with this chapter is made, a fine shall be had against the owner of a mobile home park in the amount of fifty dollars (\$50.00) per day. (Ord. #8-5-02, Aug. 2002)

14-305. Application. Application for a mobile home park license and licensing fee shall be filed with the city recorder. Applications shall be in writing signed by the applicant and shall contain the following:

(1) The name and address of the applicant;

(2) The location and legal description of the property where the mobile home park is located;

(3) The VIN number and description of each mobile home located on the property including the make, model, year manufactured, and the date installed;

(4) A complete plan of the park showing the location of each "mobile home" in the park;

(5) A description of each building or fixture located on the property.
(Ord. #8-5-02, Aug. 2002)

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING****CHAPTER**

1. MISCELLANEOUS.
2. SPEED LIMITS.

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

15-101. Adoption of state traffic statutes.

15-101. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302, and Tennessee Code Annotated, § 55-10-307, the City of Clarksburg adopts by reference as if fully set forth in this section the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, §§ 55-8-133 through 55-8-150, and §§ 55-8-152 through 55-8-180. Additionally, the City of Clarksburg adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, § 55-12-139, and § 55-21-108 by reference as if fully set forth in this section.

CHAPTER 2

SPEED LIMITS

SECTION

15-201. In general.

15-202. At intersections.

15-203. In school zones.

15-201. 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.

15-202. 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.

15-203. In school zones. Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits 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.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a 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.

TITLE 16**STREETS AND SIDEWALKS, ETC.****CHAPTER****1. STANDARDS FOR STREET CONSTRUCTION.****CHAPTER 1****STANDARDS FOR STREET CONSTRUCTION****SECTION**

16-101. Standards generally.

16-102. Requirements for dedicated public streets.

16-103. Exceptions.

16-101. Standards generally. Generally, all streets constructed within the city limits should meet the following:

(1) Right-of-way. Each street shall contain a right-of-way of twenty-five feet (25') from the middle of the road to each side for a total of fifty feet (50').

(2) Cross section. Each street shall contain twenty-six feet (26') gravel surface twenty feet (20') roadway and three feet (3') of shoulder on each side.

(3) Base. Each street shall contain a minimum of six inches (6") compacted mineral aggregate base. Camden chert or dense grade limestone base is allowable.

(4) Cross drains. Each street shall have a cross drainage pipe where necessary and said pipe shall be sized to properly convey a ten (10) year storm from the contributing basin. All pipe shall be galvanized corrugated metal, meeting the specifications of AASHTO M-36 type I with thickness to match fill depth. Minimum size of cross drains shall be eighteen inches (18") with a minimum thickness of sixteen (16) gauge. (Ord. #8-12-02, Sept. 2002)

16-102. Requirements for dedicated public streets. In order for a street to be dedicated as a public street to the City of Clarksburg, the street should be constructed to meet the following requirements and be accepted by the vote of the board of mayor and aldermen:

(1) Right-of-way. Each street shall contain a right-of-way of twenty-five feet (25') from the middle of the road to each side for a total of fifty feet (50').

(2) Cross section. Each street shall contain twenty-six feet (26') gravel surface twenty feet (20') roadway and three feet (3') of shoulder on each side.

(3) Base. Each street shall contain a minimum of six inches (6") compacted mineral aggregate base. Camden chert or dense grade limestone base is allowable.

(4) Drainage. Each street shall have proper drainage, including culverts, ditches, and bridges that comply to the city's specifications.

(5) Sub-division. All streets within a subdivision must be of a "hot mix" surface that meets Tennessee Department of Transportation specifications.

(6) Minimum length. Each street to be added to the city must be of a minimum length of at least two-tenths (.2) of a mile. (Ord. #8-12-02, Sept. 2002)

16-103. Exceptions. The city may decide to construct a street that does not meet the standards set out in § 16-101, or add a street without meeting the provisions set out in § 16-102, if the city determines that the benefit of bringing the street within specifications justify the cost to the city. The city may consult with the Carroll County Road Commissioner in deciding whether the street should be constructed with the above mentioned specifications. (Ord. #8-12-02, Sept. 2002)

TITLE 17

REFUSE AND TRASH DISPOSAL

[RESERVED FOR FUTURE USE]

TITLE 18**WATER AND SEWERS****CHAPTER**

1. WASTEWATER DISPOSAL REQUIREMENTS.
2. MINIMUM SEWER BILL AND CONNECTION FEE.

CHAPTER 1**WASTEWATER DISPOSAL REQUIREMENTS****SECTION**

- 18-101. Purpose and policy.
- 18-102. Definitions.
- 18-103. Connection to public sewers.
- 18-104. Private domestic wastewater disposal.
- 18-105. Regulation of holding tank waste disposal.
- 18-106. Application for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-107. Discharge regulations.
- 18-108. Industrial user monitoring, inspection reports, records access, and safety.
- 18-109. Enforcement and abatement.
- 18-110. Penalties; costs.
- 18-111. Fees and billing.
- 18-112. Validity.

18-101. Purpose and policy. (1) This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Clarksburg, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (a) To protect the public health;
- (b) To provide problem free wastewater collection and treatment service;
- (c) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the system discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;
- (d) To provide for full and equitable distribution of the cost of the wastewater treatment system;

(e) To enable the city to comply with the provisions of the Federal Water Pollution Control Act, the general pretreatment regulations (40 CFR part 403), and other applicable federal, state laws and regulations;

(f) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the city of 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. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for 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.

This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided herein, the city shall administer, implement, and enforce the provisions of this chapter. (Ord. #10-6-03, Oct. 2003)

18-102. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 USC 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) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "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 (20°) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/L)).

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(6) "Categorical standards." The national categorical pretreatment standards or pretreatment standard.

(7) "City." The City of Clarksburg or the Board of Mayor and Aldermen, City of Clarksburg, Tennessee.

(8) "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 NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

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

(10) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the board of mayor and aldermen if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

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

(13) "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.

(14) "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.

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

(16) "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 without consideration of time.

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

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

(19) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c)

of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system).

(20) "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 USC 1342).

(21) "Interference." The inhibition or disruption of the municipal wastewater processes or operations which contribute to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 USC 1345) 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 method of disposal or use employed by the municipal wastewater treatment system.

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

(23) "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 Federal Water Pollution Control Act, as amended.

(24) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 USC 1317) categorical pretreatment standard which will be applicable to such source, if such standard if thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(25) "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.

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

(27) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(28) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock,

sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

(29) "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 as prohibited by 40 CFR section 40.36(d).

(30) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(31) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 USC 1292) which is owned in this instance by the city. 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 wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city users of the city's POTW.

(32) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

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

(34) "Slug." 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.

(35) "State." The State of Tennessee.

(36) "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.

(37) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(38) "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 City of Clarksburg.

(39) "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.

(40) "Superintendent." The wastewater superintendent 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.

(41) "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.

(42) "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.

(43) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(44) "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 POTW.

(45) "Wastewater treatment systems." Defined the same as POTW.

(46) "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. (Ord. #10-6-03, Oct. 2003)

18-103. Connection to public sewers. (1) Requirements for proper wastewater disposal.

(a) 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 city, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

(c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) Except as provided in § 18-103(1)(e) 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 public

sewer in accordance with the provisions of the chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred feet (500') of the property line over public access.

(e) 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.

(f) Where a public sanitary sewer is not available under the provisions of § 18-103(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions § 18-104 of this chapter.

(2) Physical connection 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 city shall make all connections to the public sewer upon the property owner first obtaining a written permit from the city as required by § 18-106 of this chapter.

The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city. A connection fee shall be paid to the city at the time the application is filed.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city 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, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the city to meet all requirements of this chapter. All others may be sealed to the specifications of the city.

(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").

Small diameter gravity sewer - two inches (2").

Septic tank effluent pump - one and one-quarter inches (1-1/4").

Where the septic tanks become an integral part of the collection and treatment system, the minimum size influent line shall be four inches (4") and the minimum size of septic tank shall be one thousand (1,000) gallons. Septic tanks shall be constructed of polyethylene and protected from flotation. The city shall have the right, privilege, and authority to locate, inspect, operate, and maintain septic tanks which are an integral part of the collection and treatment system.

(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.

Two inch (2") sewers - three-eighths inch (3/8") 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') per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of ductile iron pipe class 50 or above or polyvinyl chloride pipe SDR-35 for gravity sewers and SDR-21 for pressure sewers. Joints shall be rubber or neoprene "O" ring compression joints. No other joints shall be acceptable.

(vi) A cleanout shall be located five feet (5') outside of the building, one (1) as it crosses the property line and one (1) at each change of direction of the building sewer which is greater than forty-five (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. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4").

(vii) Connections of building sewers to the public sewer system shall be made only by the city 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 city. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. 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 a pump 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 city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No.9. Any deviation from the prescribed procedures and materials must be approved by the city 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 city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) 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 wastewater superintendent or his authorized representative.

(b) The applicant for discharge shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the wastewater superintendent or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer as deemed necessary to meet specifications of the city. (Ord. #10-6-03, Oct. 2003)

18-104. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-103(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to one hundred eighteen inch (118") per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-103, the owner shall provide a private sewage pumping station as provided in § 18-103(2)(e)(viii).

(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 city to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the county health department.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the city and the county health department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and the county health department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the city and the county health department. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the city and the county health department when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the city and the county health department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee, the city and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When the public sewer becomes available, the building sewer, or the septic tank effluent line shall be connected to the public sewer within

sixty (60) days of the date of availability and the private sewage disposal system should be cleaned of sludge and if no longer used as a part of the city's treatment system, filled with suitable material.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department. (Ord. #10-6-03, Oct. 2003)

18-105. Regulation of holding tank waste disposal. (1) 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, unless such person, firm, association, or corporation obtains a permit from the city 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 city when the conditions of this chapter have been met and providing the wastewater superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(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 city to be set as specified in § 18-111. Any such permit granted shall be for one (1) fiscal year or 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 nontransferable. The number of the permit granted hereunder shall be plainly painted 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 city 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 wastewater superintendent may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the operation of the POTW.

(4) 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 city. 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 City of Clarksburg. (Ord. #10-6-03, Oct. 2003)

18-106. Application for domestic wastewater discharge and industrial wastewater discharge permits. (1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the city for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received and approved by the wastewater superintendent, the building sewer is installed in accordance with this chapter and an inspection has been performed by the wastewater superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall acquire a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the city, an application on a prescribed form accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within sixty (60) days after the effective date of this chapter, and proposed new users shall apply at least sixty (60) days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in § 18-107(1) and (2) discharge variations -- daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site

plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the city

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the city for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include 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. For the purpose of this subsection, "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-107 of this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The city will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the city recorder that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days, the city recorder

shall deny the application and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum rate and time of discharge or requirements and equalization;

(iii) Requirements for installation and maintenance of inspections and sampling facilities;

(iv) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(v) Compliance schedules;

(vi) Requirements for submission of technical reports or discharge reports;

(vii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(viii) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(ix) Requirements for notification of slug discharged;

(x) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the city within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by § 18-106(2)(b)(ii) and (iii). The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this 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.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a

period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. 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 without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the wastewater superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users. 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 made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the city until and unless prior and adequate notification is given to the user. (Ord. #10-6-03, Oct. 2003)

18-107. Discharge regulations. (1) General discharge prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere 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:

(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 POTW or to the operation of the POTW. At no time, shall two (2) successive 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 ten percent (10%) of the lower explosive limit (LEL) 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 city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) 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 but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or fleshings, 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 from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) 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 POTW.

(d) 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 or animals, create a toxic effect in the receiving waters of the POTW, 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.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create

a public nuisance, hazard to life, are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's 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 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.

(g) Any substances which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) 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.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds sixty-five degrees (65°) C (one hundred fifty degrees (150°) F) or causes the influent at the wastewater plant to exceed forty degrees (40°) C (one hundred four degrees (104°) F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(l) Any waters containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty degrees (150°) F (zero degrees (0°) and sixty-five degrees (65°) C).

(o) Any storm water, surface water, groundwater, roof runoff, subsurfaced rainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water 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 city and the Tennessee Department of Health Industrial cooling

water or unpolluted process waters may be discharged on approval of the city and the Tennessee Department of Health, to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - User Discharge Restrictions			
Pollutant	Daily Average*	Maximum Concentration	Instantaneous Maximum Concentration
Antimony		5.0	8.0
Arsenic		1.0	1.5
Cadmium		1.0	1.5
Chromium (total)		4.0	7.0
Copper		3.0	5.0
Cyanide		1.0	2.0
Lead		1.0	1.5
Mercury		0.1	0.2
Nickel		3.0	4.5
Pesticides and herbicides		BDL	1.0
Phenols		10.0	15.0
Selenium		1.0	1.5
Silver		1.0	1.5
Surfactants, as MBAS		25.0	50.0
Zinc		3.0	5.0

*Based on 24-hour flow proportional composite samples.
BDL = Below Detectable Limits

(3) Protection of treatment plant influent. The city shall monitor the treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria.) Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the city shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The city shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B- Plant Protection Criteria		
Parameter	Maximum Concentration (mg/l)	Maximum Instantaneous Concentration (mg/l)
Aluminum, dissolved (AL)	3.000	6.000
Antimony (Sb)	0.500	1.000
Arsenic (As)	0.060	0.120
Barium (Ba)	2.500	5.000
Boron	0.400	0.800
Cadmium (Cd)	0.004	0.008
Chromium hex	0.060	0.120
Cobalt	0.030	0.060
Copper (Cu)	0.160	0.320
Cyanide (CN)	0.030	0.060
Fluoride (F)	0.600	1.200
Iron (Fe)	3.000	6.000
Lead (Pb)	0.100	0.200
Manganese (Mn)	0.100	0.200
Mercury (Hg)	0.025	0.050
Nickel (Ni)	0.150	0.300

Table B- Plant Protection Criteria		
Parameter	Maximum Concentration (mg/l)	Maximum Instantaneous Concentration (mg/l)
Pesticides and herbicides	0.001	0.002
Phenols	1.000	2.000
Selenium (Se)	0.010	0.020
Silver (Ag)	0.050	0.100
Sulfide	25.000	40.000
Zinc (Zn)	0.300	0.600
Total kjeldahl nitrogen (TKN)	45.000	90.000
Oil and Grease	50.000	100.000
MBAS	5.000	10.000
BOD	220.000	350.000
COD	440.000	700.000
Suspended solids	220.000	350.000

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The city shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the city from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, 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 Health and/or the United States Environmental Protection Agency.

(6) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the city before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the wastewater superintendent (or designated official) in person, by the telephone to enable countermeasures to be taken by the city to minimize damage to the POTW, the health and welfare of the public, and the environment.

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 shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. In lieu of placing notices on bulletin boards, the users may submit an approved SPIC. Each user shall annually certify to the city compliance with this subsection. (Ord. #10-6-03, Oct. 2003)

18-108. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the wastewater superintendent.

When in the judgment of the wastewater superintendent, there is a significant difference in wastewater constituents and characteristics produced

by different operations of a single user the wastewater superintendent 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 measurement of wastewater produced by a user. If sampling or metering equipment is also required by the wastewater superintendent, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The wastewater superintendent 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.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Inspection and sampling. The city shall 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 city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(3) Compliance date report. Within one hundred eighty (180) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the city a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is

necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a professional engineer registered to practice engineering in Tennessee.

(4) Periodic compliance reports. (a) 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 city during the months of June and December, unless required more frequently in the pretreatment standard by the wastewater superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the city and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city may agree to alter the months during which the above reports are to be submitted.

(b) The city may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the wastewater superintendent of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, part and amendments thereto. Sampling shall be performed in accordance with techniques approved by the administrator.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the city, Director of the Division of Water Quality Control, Tennessee Department of Health or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the city, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on employees of the city 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 city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (Ord. #10-6-03, Oct. 2003)

18-109. Enforcement and abatement. (1) Issuance of cease and desist orders. When the wastewater superintendent 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 wastewater superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits, requirements, or provisions to:

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

Failure of the wastewater superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time schedule. When the wastewater superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the wastewater superintendent 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. Such

schedule shall be submitted to the city within thirty (30) days of the issuance of the cease and desist order.

(3) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of mayor and aldermen regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The board of mayor and aldermen may itself conduct the hearing and take the evidence, or the board of mayor and aldermen may appoint a person to:

(i) Issue in the name of the board of mayor and aldermen notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board of mayor and aldermen for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of reproduction costs.

(d) After the board of mayor and aldermen or the appointed persons have reviewed the evidence, it/they may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

(5) Emergency termination of service. The city may suspend the wastewater treatment service and/or a wastewater contribution permit when

such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

(6) Public nuisance. Discharges or wastewater in any manner in violation of this chapter or of any order issued by the board of mayor and aldermen or the wastewater superintendent as authorized by this chapter is hereby declared a public nuisance and shall be corrected or abated as directed by the board of mayor and aldermen. Any person creating a public nuisance shall be subject to the provisions of the city code or ordinances governing such nuisance.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the wastewater superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating this chapter or the owner or tenant of the property upon which the violation occurs, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the city 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.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, 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.

The city shall sue for such damage in any court of competent jurisdiction.
(Ord. #10-6-03, Oct. 2003)

18-110. Penalties; costs. (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or the wastewater superintendent, or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than two hundred fifty dollars (\$250.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense.

(2) Costs recoverable. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, engineering fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (Ord. #10-6-03, Oct. 2003)

18-111. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Costs include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and
- (g) Other fees as the city may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-206 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed.

(5) Sewer user charges. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-206 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program. (Ord. #10-6-03, Oct. 2003)

18-112. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city. (Ord. #10-6-03, Oct. 2003)

CHAPTER 2**MINIMUM SEWER BILL AND CONNECTION FEE¹****SECTION**

18-201. Minimum sewer bill application.

18-202. Delinquent sewer bills.

18-203. Connection fee.

18-204. Application.

18-201. Minimum sewer bill application. Each lot, farm, residence, business or industry located within the City of Clarksburg with potable water, whether by well or through a public water utility and that has public sanitary sewer service available, must connect to the city's sanitary sewer system or pay a minimum sewer bill, in the amount of twelve dollars and fifty cents (\$12.50) per month. Once public sanitary sewer service has been made available to a customer, the billing for services shall begin upon the occurrence of one (1) of the following:

- (1) The date water service is connected by a public water utility;
- (2) If water service is provided by well, the date that electric service is connected to the well, or the well is made operational by some other means;
- (3) If the lot, farm, residence, business or industry has potable water (by public water utility or well), the date sewer service is made available; or
- (4) The date that sewer service is connected. (Ord. #09-14-09, Oct. 2009)

18-202. Delinquent sewer bills. Any delinquent sanitary sewer system bills shall be a lien upon the property for which sewer is charged. (Ord. #09-19-07, Oct. 2007)

18-203. Connection fee. No connection to the public sanitary sewer system shall be granted unless the applicant first pays a sewer connection fee, the amount of which shall be established by resolution of the city. (Ord. #09-19-07, Oct. 2007)

18-204. Application. All individuals eligible to receive a free connection to the public sanitary sewer system under the city's grant, due to their income level, who decline sewer service shall be required to pay a connection fee after

¹Municipal code references

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

the initial construction of the sewer system has been constructed across their property. (Ord. #09-19-07, Oct. 2007)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

[RESERVED FOR FUTURE USE]

ORDINANCE NO. 12-19-11**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF CLARKSBURG TENNESSEE.**

WHEREAS some of the ordinances of the City of Clarksburg are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of Clarksburg, 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 "Clarksburg Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF CLARKSBURG, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Clarksburg Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any 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; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than 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."¹

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

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 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, December 19, 2011.

Passed 2nd reading, January 16, 2012.

Jeff Reed
Mayor

Terri McCoy
Recorder