

THE
CITY OF FRIENDSHIP
MUNICIPAL
CODE

Prepared by the
MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

MARCH 1990

CITY OF FRIENDSHIP, TENNESSEE

MAYOR

Edward Williams

VICE MAYOR

ALDERMEN

Casey Burnett
Donnie Smith
John Ed Smith
Ray McGarity

RECORDER

Debra Butler

Preface

This code is the result of a comprehensive codification of the ordinances of the City of Friendship, Tennessee.

The attention of the user is directed to the arrangement of the code 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 number is the title number followed by a hyphen, then the chapter number with the last two numbers showing the section number within the chapter, so that, for example, title 2, chapter 1, section 6, is designated as section 2-106.

By utilizing the table of contents and the analysis preceding each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should readily find all provisions in the code relating to any question that might arise.

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance for the code).
- (2) That one copy of every ordinance adopted by the city is furnished to MTAS.
- (3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

Presently, 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.

However, the way MTAS does municipal codes and code updates is under review; therefore, this procedure is subject to change in the near future.

The able assistance of Ms. Brenda Moss, the Principal Secretary who did all the typing on this project, is gratefully acknowledged.

Mike Tallent
Management Consultant

Ordinance Procedures

There are no ordinance procedures prescribed in the city charter. However, Ordinance adoption procedures are contained in Title 1, Chapter 10 of this code of ordinances.

TABLE OF CONTENTS

PAGE

INTRODUCTION

OFFICIALS OF THE TOWN AT TIME OF CODIFICATION	ii
PREFACE	iii

CHARTER

CHARTER TABLE OF CONTENTS	2
TEXT OF CHARTER	4

CODE OF ORDINANCES

CODE-ADOPTING ORDINANCE	ORD-1
TITLE 1. ADMINISTRATION, OFFICERS AND PERSONNEL	1-1
CHAPTER	
1. BOARD OF MAYOR AND ALDERMEN	1-1
2. MAYOR	1-3
3. VICE MAYOR	1-4
4. RECORDER	1-5
5. POLICE AND ARREST	1-6
6. CITY COURT	1-9
7. SOCIAL SECURITY	1-12
8. WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS	1-14
9. PERSONNEL REGULATIONS	1-18
10. ORDINANCE ADOPTION PROCEDURES	1-21
TITLE 2. ALCOHOLIC BEVERAGES	2-1

	CHAPTER	
	1. INTOXICATING LIQUORS	2-1
	2. BEER	2-2
TITLE 3.	ANIMALS AND FOWLS	3-1
	CHAPTER	
	1. IN GENERAL	3-1
	2. DOGS	3-3
TITLE 4.	BUILDING, UTILITY AND HOUSING CODES	4-1
	CHAPTER	
	1. GAS CODE	4-1
	2. SLUM CLEARANCE	4-14
TITLE 5.	BUSINESSES, PROFESSIONS AND OCCUPATIONS	5-1
	CHAPTER	
	1. PEDDLERS, SOLICITORS, ETC.	5-1
TITLE 6.	FINANCE AND TAXATION	6-1
	CHAPTER	
	1. REAL AND PERSONAL PROPERTY TAXES ..	6-1
	2. PRIVILEGE TAXES	6-3
	3. WHOLESALE BEER TAX	6-4
TITLE 7.	FIRE PROTECTION, FIREWORKS AND EXPLOSIVES	7-1
	CHAPTER	
	1. MISCELLANEOUS	7-1
	2. VOLUNTEER FIRE DEPARTMENT	7-2
	3. FIRE SERVICE OUTSIDE CITY LIMITS	7-4
TITLE 8.	HEALTH AND SANITATION	8-1
	CHAPTER	
	1. MISCELLANEOUS	8-1
	2. REFUSE	8-3

	<u>PAGE</u>
3. SEWER USE AND WASTEWATER TREATMENT	8-5
4. FAIR USER CHARGE SYSTEM	8-33
5. JUNKYARDS	8-38
6. MOBILE HOME PARKS	8-39
 TITLE 9. MOTOR VEHICLES AND TRAFFIC	 9-1
CHAPTER	
1. MISCELLANEOUS	9-1
2. EMERGENCY VEHICLES	9-8
3. SPEED LIMITS	9-10
4. TURNING MOVEMENTS	9-11
5. STOPPING AND YIELDING	9-12
6. PARKING	9-14
7. ENFORCEMENT	9-17
 TITLE 10. OFFENSES - MISCELLANEOUS	 10-1
CHAPTER	
1. MISDEMEANORS OF THE STATE ADOPTED .	10-1
2. ALCOHOL	10-2
3. GAMBLING, FORTUNE TELLING, ETC.	10-3
4. OFFENSES AGAINST THE PERSON	10-4
5. OFFENSES AGAINST THE PEACE AND QUIET	10-5
6. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL	10-8
7. FIREARMS, WEAPONS AND MISSILES	10-9
8. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC	10-10
9. MISCELLANEOUS	10-12
 TITLE 11. PLANNING & ZONING	 11-1
CHAPTER	
1. MUNICIPAL PLANNING COMMISSION	11-1

	<u>PAGE</u>
TITLE 12. STREET AND OTHER PUBLIC WAYS AND PLACES	12-1
CHAPTER	
1. MISCELLANEOUS	12-1
2. EXCAVATIONS AND DRIVEWAYS	12-4
TITLE 13. UTILITIES AND SERVICES	13-1
CHAPTER	
1. WATER AND SEWERS	13-1
2. ELECTRICITY	13-7
3. GAS	13-8
4. CABLE TELEVISION	13-15
CERTIFICATE OF AUTHENTICITY	CERT-1

TITLE 1

ADMINISTRATION, OFFICERS AND PERSONNEL¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. VICE-MAYOR.
4. RECORDER.
5. POLICE AND ARREST.
6. CITY COURT.
7. SOCIAL SECURITY.
8. WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS.
9. PERSONNEL REGULATIONS.
10. ORDINANCE ADOPTION PROCEDURES.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Departmental liaisons

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. in the months of November through March and at 8:00 P.M. in the months of April through October with all meetings being on the first Monday of each month at the City Hall.

¹Charter references

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

Municipal code reference

Gas inspectors: title 4.

Fire Department: title 7.

Utilities: title 13.

Wastewater treatment: title 8.

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

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

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

1-104. Departmental liaisons. In the first regular meeting in June of each odd numbered year the mayor shall recommend to the board of mayor and aldermen individual aldermen to be appointed liaison to the following departments of the municipal government of the City of Friendship. They are as follows:

Public Works
Police and Fire
Recreation
Industrial Development

The board of mayor and aldermen shall either confirm the mayor's recommendation or substitute their own appointment in lieu thereof.

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

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

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen.

¹Charter references
Sections 3, 14, and 15

CHAPTER 3

VICE-MAYOR

SECTION

1-301. Appointment.

1-302. Powers and duties.

1-303. Vacancy in the office of mayor.

1-301. Appointment. The board of mayor and aldermen, at the first regular meeting following each biennial election, shall elect from its membership an alderman to be a vice-mayor for a term of two years.

1-302. Powers and duties. The vice-mayor shall have and perform the same powers and duties of the mayor during the mayor's temporary absence or inability to act.

1-303. Vacancy in the office of mayor. When a vacancy occurs in the office of mayor, the vice-mayor shall immediately assume the office of mayor for the remainder of the unexpired term.

CHAPTER 4

RECORDER¹

SECTION

1-401. To be bonded.

1-402. To keep minutes, etc.

1-403. To perform general administrative duties, etc.

1-401. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen provided it is not less than four thousand dollars (\$4,000.00).

1-402. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book.

1-403. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the city which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers.

¹Charter reference
Section 10.

CHAPTER 5

POLICE AND ARREST

SECTION

- 1-501. Policemen subject to chief's orders.
- 1-502. Policemen to preserve law and order, etc.
- 1-503. When policemen to make arrests.
- 1-504. Disposition of persons arrested.
- 1-505. Citations in lieu of arrest in non-traffic cases.
- 1-506. Summonses in lieu of arrest.
- 1-507. Police department records.

1-501. 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.

1-502. 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.

1-503. When policemen to make arrests.¹ 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 reasonable cause to believe the person has committed it.

1-504. 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 ordinances 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 fails or refuses

¹Municipal code reference

Issuance of citation in lieu of arrest in traffic cases: title 9, chapter 7.

to post bond, he shall be confined pending his release by the city judge. In addition, 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.

1-505. Citations in lieu of arrest in non-traffic cases.¹ Pursuant to Tennessee Code Annotated, section 7-63-101 et seq., the board of mayor and aldermen appoints the fire chief in the fire department to be a special officer having the authority to issue citations in lieu of arrest. The fire chief in the fire department shall have the authority to issue citations in lieu of arrest for violations of the provisions of chapter 1 of Title 7 this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated, section 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued.

1-506. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, section 7-63-201 et seq., which authorizes the board of mayor and aldermen to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the director and the assistant director in the public works department to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas

¹Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 9, chapter 7.

of sanitation, liter control or animal control, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summons notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in section 1-505 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued.

1-507. 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.

CHAPTER 6

CITY COURT¹

SECTION

- 1-601. City judge.
- 1-602. Maintenance of docket.
- 1-603. Issuance of arrest warrants.
- 1-604. Issuance of summonses.
- 1-605. Issuance of subpoenas.
- 1-606. Appearance bonds authorized.
- 1-607. Imposition of fines, penalties, and costs.
- 1-608. Appeals.
- 1-609. Bond amounts, conditions, and forms.
- 1-610. Disposition and report of fines, penalties, and costs.
- 1-611. Disturbance of proceedings.

1-601. City judge. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge.

1-602. 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; fines, penalties, and costs imposed and whether collected; whether committed to jail; and all other information which may be relevant.

1-603. Issuance of arrest warrants.² The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

1-604. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in

¹Charter reference
Section 15.

²State law reference
For authority to issue arrest warrants see Tennessee Code Annotated, title 40, chapter 5.

lieu of issuing an arrest warrant, 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.

1-605. 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.

1-606. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the city court clerk, or in the absence of the city court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs.

1-607. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases.

Persons convicted or fined, against whom forfeitures are taken in the city court, or who fail or refuse to pay their fines or forfeitures, may be confined in the municipal or county jail and required to work out such fine at the rate of five dollars (\$5.00) per day for no more than ten (10) days.

1-608. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days² next after such judgment

¹State law reference

Tennessee Code Annotated, section 8-21-401.

²State law reference

is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

1-609. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in such sum as the city judge shall prescribe, not to exceed the sum of two hundred and fifty dollars (\$250.00), and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable.

1-610. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each quarter he shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

1-611. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

(...continued)

Tennessee Code Annotated, section 27-5-101.

CHAPTER 7

SOCIAL SECURITY

SECTION

- 1-701. Policy and purpose as to coverage.
- 1-702. Necessary agreements to be executed.
- 1-703. Withholdings from salaries or wages.
- 1-704. Appropriations for employer's contributions.
- 1-705. Records and reports.
- 1-706. Exemption from coverage.

1-701. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations.

1-702. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section.

1-703. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations.

1-704. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations.

1-705. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

1-706. Exemption from coverage. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations.

CHAPTER 8

WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS

SECTION

- 1-801. Applicability of chapter.
- 1-802. Work attendance.
- 1-803. Holidays.
- 1-804. Vacation leave.
- 1-805. Sick leave.
- 1-806. Absence without leave.
- 1-807. Absence without pay.
- 1-808. Leave without pay.

1-801. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees, except those operating under the jurisdiction of a school, utility or other separate board or commission.

1-802. Work attendance. All full-time employees of the city shall be in attendance at their regular work and at their regular place of work as may be designated by the department head under whose supervision such employees shall work. The head of every city department shall keep a daily attendance record of the employees working under such supervisor and shall report the same to the mayor.

1-803. Holidays. (1) Except and in addition to such other holidays as may be from time-to-time declared by the board of mayor and aldermen, the following days shall be official holidays for employees of the City of Friendship:

<u>Holiday Name</u>	<u>Holiday Date</u>
New Year's Day	January 1st of each year
Memorial Day	Last Monday in May of each year
Independence Day	July 4th of each year
Labor Day	First Monday in September of each year
Thanksgiving Day	Fourth Thursday in November of each year
Christmas Day	December 25th of each year

(2) When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday, and when a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

(3) All full-time employees of the city shall be compensated for any holiday granted in this chapter or otherwise designated by the board of mayor and aldermen by receiving eight (8) hours off with pay on the date of the holiday. However, in the interest of continuing essential municipal services, any city employee may be required to work on any holiday. Working on any holiday is a condition of employment for all city employees. Employees who are required to work on any holiday shall be paid double their regular pay for each hour they work on that holiday.

(4) No employee shall be authorized to work on a holiday without the prior command or approval of the head of the department for whom the employee works. However, the board of mayor and aldermen may from time to time prescribe such other rules, regulations and limitations on overtime work as it desires.

(5) Any employee who is absent without leave on any working day immediately preceding or immediately following any holiday shall not be entitled to be paid for such holiday.

1-804. Vacation leave. (1) All regular and full-time employees of the city who have been employed by the city for six (6) full calendar months of continuous service shall begin earning and accruing vacation leave time with pay at the rate of one working day per month. For vacation leave purposes the term "working day" as it applies herein shall be computed on an eight (8) hours basis.

(2) Vacation leave compensation shall be computed at the employee's regular straight time pay rate in effect as of the date that the vacation leave time is earned.

(3) The date of service to be used in determining vacation leave time accrual rate is the first day of the month next following the first six (6) full calendar months of employment.

(4) An employee shall not be eligible to take vacation leave until he or she has completed seven (7) full calendar months of continuous employment.

(5) Vacation leave may not be taken before it is earned.

(6) Temporary, casual or part-time employees are not eligible for accrual of vacation leave.

(7) For vacation purposes, any reinstated employee shall be considered as a new employee regardless of the reason for separation.

(8) Earned vacation leave may be taken in whole or in part throughout the year at such times as may be approved by the mayor.

(9) Employees may accrue vacation leave to a maximum of twenty (20) days, but must take a minimum of five (5) days of vacation during every twelve (12) month period. Employees may be paid for any accrued vacation that exceeds the twenty (20) day maximum after the minimum of five (5) days has been taken.

(10) Any official holiday falling within a period of vacation leave shall be charged as holiday leave rather than vacation leave.

(11) Any regular, full-time employee who is separated from employment with the city for any reason, including retirement, may receive terminal vacation leave pay for any unused portion of his or her accumulated vacation leave up to the limit of vacation leave allowed to be accumulated under this chapter.

1-805. Sick leave. (1) All full-time employees of the city shall be allowed to accumulate sick leave with pay at the rate of one-half (1/2) working day for each full calendar month of service completed up to an unused maximum of one hundred twenty (120) working days. Sick leave shall be considered a benefit and privilege and not a right for the employees to use at his or her discretion. Employees shall, therefore, utilize their accumulated sick leave allowance for absences due to personal illness or physical incapacity, personal illness or physical incapacity within the immediate family of the employee (as defined in paragraph 3 below), enforced quarantine of the employee in accordance with community health regulations, disability resulting from pregnancy, childbirth or related medical conditions, or so as to keep an appointment with a licensed medical doctor, dentist or other recognized health care practitioner.

(2) The board of mayor and aldermen may, in its discretion, prescribe regulations requiring that a health care practitioner's certificate or other satisfactory evidence be filed with the city supporting the absence before it may be properly chargeable as sick leave.

(3) For sick leave purposes the term "working day" as it applies in this section shall be computed on an eight (8) hour basis. The term "immediate family" shall be defined as spouse, children, parents, brothers and sisters, and grandparents, both of the employee and spouse of the employee.

(4) Sick leave compensation shall be figured at the employee's straight time pay rate in effect at the date it is used by the employee.

(5) The date of service to be used in determining sick leave time accrual rate is the first day of the month next following the first six (6) full months of employment.

(6) Sick leave shall begin to accrue on the first day of the month next following the first six (6) full calendar months of employment.

(7) Temporary, casual or part-time employees are not eligible for accrual of sick leave.

(8) For sick leave purposes any reinstated employee shall be considered as a new employee regardless of the reason for his or her separation.

(9) Any employee who abuses these sick leave provisions or who deliberately makes or cause to be made any false or misleading statement or claim concerning the same, shall be subject to the loss of any such benefits, dismissal from his or her employment with the city or other disciplinary action.

(10) Any employee of the city who is injured when engaging in his employment for the city may be carried on sick leave for any accumulated sick leave that he or she has to his or her credit, but in no case shall any employee be allowed to receive sick leave pay while drawing any workers compensation or other disability payments resulting from any benefit provided by the city.

1-806. Absence without leave. An absence without leave is an absence from duty which was not authorized or approved and for which either a request for leave was not made by the employee, or when made such request was denied. Under such circumstances any employee may be subject to such disciplinary action, including termination from employment with the city, as the board of mayor and aldermen deems necessary or appropriate.

1-807. Absence without pay. An absence without pay is an absence which may or may not have been known and which has resulted from suspension, abandonment of position, or leave without pay granted by the city. The heads of all departments shall be responsible for maintaining accurate records of any employee who is absent from duty for any reason and shall promptly report the same to the mayor.

1-808. Leave without pay. A regular or part-time employee who is in good standing may be granted a leave without pay for a period not to exceed ninety (90) calendar days in any one calendar year upon the approval of the board of mayor and aldermen.

CHAPTER 9

PERSONNEL REGULATIONS

SECTION

- 1-901. Applicability of chapter.
- 1-902. Acceptance of gratuities.
- 1-903. Outside employment.
- 1-904. Political activity restricted.
- 1-905. Use of municipal time, facilities, etc.
- 1-906. Use of position.
- 1-907. Strikes.

1-901. Applicability of chapter. This chapter shall apply to all full-time city officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission.

1-902. Acceptance of gratuities. No city officer or employee shall accept any money or other consideration or favor from anyone other than the city for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business.

1-903. Outside employment. No full-time officer or employee of the city shall continue any outside employment if the work interferes with the satisfactory performance of the officer's or employee's duties. In addition, no such employee shall accept any outside employment if the work is incompatible with his city employment, or is likely to cast discredit upon or create embarrassment for the city.

1-904. Political activity restricted. The following prohibitions and restrictions on political activities shall apply to all city officers and employees, except for elected officers:

(1) In elections for municipal and county offices. No city officer or employee, whether on or off duty, whether in or out of uniform, and whether on or off city property, shall at any time or any place

- (a) Become a candidate for, or campaign for, an elective office.
- (b) Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a candidate.
- (c) Organize, sell tickets to, promote or actively participate in a fund-raising activity of a candidate.

(d) Take an active part in managing the political campaign of a candidate.

(e) Solicit votes in support of or in opposition to a candidate. (f) Act as a recorder, watcher, challenger or similar officer at the polls on behalf of a candidate.

(g) Drive voters to the polls on behalf of a candidate.

(h) Endorse or oppose a candidate in a political advertisement, broadcast, campaign literature or similar material.

(i) Address a rally or similar gathering of the supporters or opponents of a candidate.

(j) Initiate or circulate a nominating petition for a candidate.

(k) Wear campaign buttons, pins, hats or any other similar attachment, or distribute campaign literature in support or opposition to a candidate.

(2) In elections for all other public offices. No city officer or employee, whether on or off duty, whether in or out of uniform, and whether on or off city property, shall at any time or any place

(a) Become a candidate for, or campaign for, an elective public office.

(b) Take an active part in managing the political campaign of a candidate for public office.

(c) Directly or indirectly solicit, receive or collect contributions or other funds for a candidate for public office.

(d) Sell tickets to a fund-raising activity of a candidate for public office.

(e) City officers and employees may not engage in any of the other political activities enumerated in paragraph (1), (e) through (k) above except while they are off duty and otherwise on their own time, and while they are not in a city uniform, and while they are in places other than on city-owned property.

Leaves of absence will not be granted to city officers or employees to engage in any of the political activities enumerated above.

Nothing in this section is intended to prohibit any city officer or employee from privately expressing his or her political views or from casting his or her vote in all elections.

1-905. Use of municipal time, facilities, etc. No city officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group.

1-906. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

1-907. Strikes. No city officer or employee shall participate in any strike against the city.

CHAPTER 10

ORDINANCE ADOPTION PROCEDURES

SECTION

1-1001. Ordinance adoption procedures.

1-1001. Ordinance adoption procedures. Any action of the board having a regulatory or penal effect, awarding franchises or required to be done by ordinance under the Charter of Friendship or the general laws of the state, shall be done by ordinance. Other actions of the board of mayor and aldermen may be accomplished by resolutions or motions. Ordinances and resolutions shall be furnished to each member of the board at the meeting in which introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the City of Friendship". An affirmative vote of a majority of the board of mayor and aldermen, present at the meeting, shall be necessary for the passage of any ordinance, resolution or motion. Every ordinance must be read and approved on one reading, but before it becomes effective it shall be signed and approved by the mayor and attested by the city recorder.

TITLE 2

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

2-101. Prohibited generally.

2-101. Prohibited generally. Except as authorized by applicable laws² and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight.

¹Municipal code reference

Driving under the influence: section 9-104.

Minors in beer places, public drunkenness, etc., title 10 chapter 2.

State law reference

Tennessee Code Annotated, title 57.

²State law reference

Tennessee Code Annotated, title 39, chapter 6.

CHAPTER 2

BEER¹

SECTION

- 2-201. Beer board established.
- 2-202. Meetings of the beer board.
- 2-203. Record of beer board proceedings to be kept.
- 2-204. Requirements for beer board quorum and action.
- 2-205. Powers and duties of the beer board.
- 2-206. "Beer" defined.
- 2-207. Permit required for engaging in beer business.
- 2-208. Beer permits shall be restrictive.
- 2-209. Limitation on number of permits.
- 2-210. Interference with public health, safety, and morals prohibited.
- 2-211. Issuance of permits to persons convicted of certain crimes prohibited.
- 2-212. Prohibited conduct or activities by beer permit holders.
- 2-213. Suspension and revocation of beer permits.
- 2-214. Beer permits to be non-transferable.

2-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. A chairman shall be elected annually by the board from among its members.

2-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place.

2-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record

¹Municipal code references

Public drunkenness, minors in beer places, etc.: title 10, chapter 2.
Tax provisions: title 6.

State law reference

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

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

2-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote.

2-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter.

2-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight.

2-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and shall be accompanied by a one hundred dollar (\$100.00) non-refundable application fee.¹ Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

2-208. Beer permits shall be restrictive. All beer permits shall be restricted to off premises consumption retail of beer. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.

¹State law reference

Tennessee Code Annotated, section 57-5-108(c).

2-209. Limitation on number of permits. There shall be no more than four permits issued and outstanding at any time.

2-210. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer at places within two hundred fifty (250) feet of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest corner of the hospital, school, church or other public place of gathering and the nearest corner of the structure where beer will be sold, manufactured or stored.

2-211. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

2-212. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- (2) Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. during any night of the week; at any time on Sunday; or on election days before and while the polls are lawfully open.
- (3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.
- (4) Make or allow any sale of beer to a person under twenty-one (21) years of age.
- (5) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.
- (6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (7) Allow drunk persons to loiter about his premises.
- (8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.
- (9) Allow gambling on his premises.
- (10) Allow dancing on his premises.

(11) Allow pool or billiard playing in the same room where beer is sold and/or consumed.

(12) Employ any person under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off-premises consumption only.)

2-213. Suspension and revocation of beer permits. The beer board shall have the power to suspend or revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board.

2-214. Beer permits to be non-transferable. The beer permit shall be issued to the person making application for the permit, and shall be for a specific location (address). The permit shall not be transferable from one person to another person or from one location to another location.

TITLE 3

ANIMALS AND FOWLS

CHAPTER

1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 3-101. Running at large prohibited.
- 3-102. Pen or enclosure to be kept clean.
- 3-103. Adequate food, water, and shelter, etc., to be provided.
- 3-104. Keeping in such manner as to become a nuisance prohibited.
- 3-105. Cruel treatment prohibited.
- 3-106. Seizure and disposition of animals.

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

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

3-102. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.

3-103. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

3-104. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason.

3-105. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl.

3-106. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance.

CHAPTER 2

DOGS

SECTION

- 3-201. Rabies vaccination and registration required.
- 3-202. Dogs to wear tags.
- 3-203. Running at large prohibited.
- 3-204. Vicious dogs to be securely restrained.
- 3-205. Noisy dogs prohibited.
- 3-206. Confinement of dogs suspected of being rabid.
- 3-207. Seizure and disposition of dogs.
- 3-208. Destruction of vicious or infected dogs running at large.

3-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, sections 68-8-101 through 68-8-114) or other applicable law.

3-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section.

3-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (as replaced by ord. No. 92-02)

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

¹State law reference

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

3-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood.

3-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid.

3-207. Seizure and disposition of dogs. Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be sold or humanely destroyed. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within five (5) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar. (as amended by ord. No. 92-02)

3-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman¹ or other properly designated officer.

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).

TITLE 4

BUILDING, UTILITY AND HOUSING CODES

CHAPTER

1. GAS CODE.
2. SLUM CLEARANCE.

CHAPTER 1

GAS CODE

SECTION

- 4-101. Scope and definitions.
- 4-102. Permits.
- 4-103. Services.
- 4-104. Authority to disconnect.
- 4-105. Authority to render gas service.
- 4-106. Inspections.
- 4-107. Appliances-general.
- 4-108. Gas piping.
- 4-109. Appliance connections.
- 4-110. Vents.
- 4-111. Water heaters.
- 4-112. Conversion burners.
- 4-113. Floor furnaces.
- 4-114. Violation and penalties.

4-101. Scope and definitions. This chapter establishes minimum standards and requirements to insure safe installation of all city gas appliances, gas vents, and gas piping. This code applies to any connection made to the gas system owned by the City of Friendship, Tennessee, both inside and outside of the corporate limits on either distribution or transmission mains.

For the interpretation of this chapter words shall be defined as follows:

(1) "Gas Department:" The Gas Department of the City of Friendship, Tennessee.

(2) "Approved:" As to materials, workmanship and types of construction means approved by the Gas Department, as the result of investigation, inspections and/or tests conducted by them, or by reason of accepted principles or tests by nationally recognized authorities.

(3) "Person:" Shall include firm, corporations, or co-partnership. Masculine gender shall include feminine gender. Singular shall include plural.

- (4) "Shall:" Shall as used in this code is mandatory.
- (5) "City Gas:" Gas from the distribution or transmission mains owned by the City of Friendship.
- (6) "Minor Repairs:" "Minor repairs" are adjustment of appliances, replacement of parts, repairing leaks, and similar work.
- (7) "Gas Appliance:" A fixture or apparatus designed and manufactured or properly converted and approved for the use of natural gas as a fuel medium; provided, however, that nothing herein contained shall be construed to apply to appliances, appurtenances or devices used for strictly experimental or scientific purposes or to gas burning appliances for industrial and commercial processing purposes.
- (8) "Gas Piping:" Any run of pipe or fittings that is used to convey city gas, installed on any premises or in any building, but shall not include:
- (a) Any portion of the service piping;
 - (b) Any piping connection less than 6 feet in length between an existing gas outlet and a gas appliance in the same room with the outlet.
- (9) "Gas Piping System:" An arrangement of gas piping supplied by one meter or parallel connected meters.
- (10) "House Piping:" That portion of the gas piping contained within the boundaries of the building foundation, and any additional gas piping connected to and extending beyond that portion of the system.
- (11) "Service Piping:" The piping between the street gas main and the gas meter.
- (12) "Yard Piping:" That portion of gas piping between the gas meter and the point where the gas piping enters the foundation.
- (13) "Vent:" A conduit or pipe, vertical or nearly so in direction, designed to convey the products of combustion to the outside air when an approved flue or chimney is not available or its use not practical.
- (14) "Vent Connection:" A pipe designed to convey the products of combustion from a gas appliance to a vent or chimney.
- (15) "Combustible Material:" Walls, floors, ceilings, shelves, or other parts of a building constructed of wood, composition, or paper, and including wall constructed of wooden studding, lath, and plaster.
- (16) "Protected Combustible Material:" Combustible material protected with a metal shield extending over an area exposed to the effects of heat from a gas appliance, so formed that an air space of not less than one (1) inch is created between such shield and the combustible material; provided that in lieu of such air space an effective insulating material may be used between such metal shield and any combustible material.

4-102. Permits. (1) It shall be unlawful for any person to install, or cause to be installed, any gas piping, vent, vent connection, or gas appliance

without obtaining a permit to do so; except that no permit shall be required for work defined as "minor repairs" in section 4-101.

(2) Permits for gas piping shall show the total number of gas outlets to be provided for, and permits for gas appliances shall show the manufacturer, type, model, and maximum gas input.

4-103. Services. (1) The transmission mains, all distribution mains and all service piping are and shall be the property of the city and the city shall have exclusive jurisdiction and control over all of said mains and piping, and it shall be illegal for any person, to cut, tap or tamper with in any manner any of the said mains or piping, except an employee of or a person authorized by the Gas Department.

(2) All valves and regulators ahead of the meter and including the meter shall be the property of the city, and the city shall have exclusive jurisdiction and control over all of said valves and regulators ahead of the meter and including the meter, and it shall be illegal for any person to tamper with in any manner any of the said valves, regulators and meters, except an employee of or a person authorized by the Gas Department.

4-104. Authority to disconnect. (1) The Gas Department is hereby authorized to disconnect any gas appliances or gas piping which shall be found not to conform to the requirements of this chapter, or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance or gas piping which shall state that the same has been disconnected, together with the reasons therefor, and such notice shall not be removed nor shall the appliance or gas piping be reconnected until authorized by the Gas Department.

4-105. Authority to render gas service. It shall be unlawful for any person, firm or corporation excepting an employee of, or a person authorized by the Gas Department, to turn on a meter or reconnect city gas service in or on any premises.

4-106. Inspections. (1) Upon completion of the installation of any gas piping and/or gas appliance, and prior to the use thereof, the Gas Department shall be notified that such piping and/or appliance is ready for inspection.

(2) The Gas Department shall inspect any house piping and/or gas appliance and shall either approve that portion of the work as completed, or shall notify the permit holder wherein the same fails to comply with this chapter. This piping inspection shall include a pressure test, at which time the gas piping shall stand an air pressure of 10 psig, and shall hold this pressure for a period of 10 minutes with no perceptible drop. This test shall be made

before any fixture or appliance has been attached to the gas piping, and shall be made in the presence of the inspector. All necessary apparatus for conducting this test shall be furnished by the permit holders.

(3) In cases where the work authorized by the permit consists of additional piping to be installed on gas piping already connected to a gas meter, the foregoing inspections may be waived. In this event the Gas Department shall make such inspection as it deems advisable in order to assure itself that the work has been performed in accordance with the intent of this chapter.

(4) In the event that gas piping is to be covered or concealed, the Gas Department shall be notified and a partial piping inspection will be made by the Gas Department before any such piping has been covered or concealed. This inspection will include a determination that the gas piping size, material, and installation meet the requirements of this chapter.

(5) Before city gas service is rendered to an appliance and/or gas piping system which has been converted from liquefied petroleum gas, the appliance, the venting, and/or gas piping system shall be inspected by the Gas Department and the installation shall be substantially in compliance with this chapter.

(6) After any gas piping and/or appliances included on any permit have been inspected and everything appears to be in accordance with this chapter, the inspector shall sign the permit showing that the inspection has been made and such inspection shall not impose any liability on the City, the Gas Department, or their employees. The inspection shall not release the permit holder from compliance with this chapter, or from responsibility due to defective work or negligence.

4-107. Appliances-general. (1) All gas appliances shall bear a valid seal of approval of either the American Gas Association or another nationally recognized testing laboratory, except gas appliances having an input capacity in excess of that covered by American Gas Association listings; in which case the gas appliance shall be approved by the Gas Department before installation.

(2) Appliances shall be installed so that their continued operation will not in any way create a hazard to persons or property.

(3) Appliances shall be adequately supported and so connected to the piping as not to exert undue strain on the connection.

(4) Where an appliance is installed in a tightly closed room, provisions shall be made for supplying a room with air for combustion and ventilation through two permanent openings leading into the same adjacent building space, one near the floor line, and the other near the ceiling, each to be sized on the basis of 1 square inch or more free area for each 1,000 Btu input per hour.

(5) A union shall be provided in the gas line near the appliance so that it can be readily disconnected. This fitting is sometimes provided as part of the appliance.

(6) A gas pressure regulator shall be installed in the fuel line near the appliance on all boilers, conversion burners, and furnaces. Appliance gas pressure regulators requiring access to the atmosphere for successful operation shall be vented into the combustion chamber near a constant burning pilot or to the outside of the building unless its construction is such as to prevent an escape of gas from the vent opening in the event of diaphragm failure. When venting into the combustion chamber, the tip of the vent line shall be directed toward pilot flame and terminate about one inch below it. Neither the main burner nor pilot flame shall impinge on the vent line. When the regulator is vented to outside, the outlet of the vent shall be turned down.

(7) A safety pilot and an automatic gas valve shall be installed on all gas fired steam or vapor boilers, hot water boilers, and warm air furnaces used for central heating. In addition, controls as listed below shall be installed:

(a) Boilers (steam, vapor, etc.). Pressure limit control, low water cut off.

(b) Boilers (Hot Water). Temperature limit control.

(c) Warm air, furnaces, Temperature limit control. All of the above are the minimum controls.

(8) Except where an appliance is especially designed for direct or close contact, a distance of at least six inches between appliance and combustible material shall be maintained.

(9) No gas appliance shall be installed in a garage unless the design, operation, and installation of said appliance is such to eliminate the possible ignition of inflammable vapors.

(10) Appliances shall be installed so that they are level.

(11) Whenever gas is compressed to pressures above that of the gas piping or whenever gas is mixed with a substance of higher pressure a check valve shall be installed in the gas piping.

(12) Gas Appliances shall be located so that they will be readily accessible for operation, repair, and adjustment.

(13) All gas appliances shall be properly adjusted and the owner instructed as to their safe operation.

4-108. Gas piping. (1) All pipe used for the installation, extension, alteration, and/or repair of any gas piping shall be standard weight wrought iron or steel, or brass, or copper pipe of iron pipe size. All such pipe shall either be new, or shall previously have been used for no other purpose than conveying gas, and shall be free from internal obstructions and the end thereof properly

reamed. All fittings used in connection with such pipe shall be of malleable iron, steel, brass or copper.

(2) All joints in the piping system, unless welded, shall be screwed joints, the threads of which shall comply with American Standard for pipe threads. Such screwed joints shall be made up with an approved thread compound applied to the make threads only.

(3) Bushings and/or unions shall not be used in concealed locations.

(4) Fittings shall be used in making turns, pipe shall not be bent.

(5) Gas piping shall be installed in such a manner as not to weaken the building structure.

(6) All gas piping shall be supported at intervals of not more than 6 feet, by straps or hooks capable of withstanding four times the weight of the pipe being supported.

(7) No gas pipe shall be installed in such a manner as to be left under strain.

(8) No gas piping shall be used as an electrical or telephone ground.

(9) A stop cock shall be installed at the house piping outlet ahead of each gas appliance and ahead of the union connection with the exception of ranges. Also, water heaters with a cock as part of the control section are excepted.

(10) Pipe shall be threaded with clean cut threads. Pipe with threads stripped, chipped or damaged shall not be used. Split pipe or defective fittings shall be discarded, never cemented. Pipe shall be threaded according to American Standard specifications.

(11) The hourly volume of gas required at each piping outlet shall be taken as not less than the maximum hourly rating, as specified by the manufacturer of the appliance or appliances to be connected to such outlet.

(12) In no case shall a supply pipe to any gas appliance be installed having a diameter smaller than the inlet connection of that appliance.

(13) No gas piping shall be less than 1/2 inch nominal size pipe.

(14) The size of each section and each outlet of a system of gas piping shall be determined by means of Table 1.

TABLE NO. 1
PIPE DELIVERY SCHEDULE

Length of Pipe in Feet	*Capacity of Pipe in Cubic Feet of Gas Per Hour								
	Nominal Pipe Size								
	<u>1/2</u>	<u>3/4</u>	<u>1</u>	<u>1-1/4</u>	<u>1-1/2</u>	<u>2</u>	<u>2-1/2</u>	<u>3</u>	<u>4</u>
10	75	210	425	730	1,200	2,400	4,300	6,300	3,000
	12,800								
20	55	150	300	510	825	1,700	3,000	4,600	
	9,300								
30	45	120	250	425	675	1,400	2,400	3,750	7,500
40	40	105	220	360	580	1,200	2,100	3,250	
	6,500								
50	35	95	195	330	520	1,080	1,900	2,900	5,800
60	30	85	180	300	480	990	1,750	2,650	
	5,450								
75	27	75	160	270	430	870	1,600	2,300	
	4,800								
100	23	65	135	230	370	750	1,350	2,000	
	4,200								
125	21	60	120	210	340	680	1,200	1,850	
	3,800								
150	19	55	110	190	300	625	1,100	1,700	
	3,500								
200		45	95	165	265	530	950	1,500	3,000

*Capacity based on 0.02 Inch Pressure Loss and .06 Specific Gravity Gas.

(15) To determine the size of any section of pipe in a system, proceed as follows:

(a) Measure the length of pipe from the meter to the most remote outlet in the building.

(b) In Table 1, select the column showing that distance, or the next longer distance, if the table does not give the exact length.

(c) Use this horizontal column to locate all gas demand figures for this particular system of piping.

(d) Starting at the most remote outlet, find in the horizontal column just selected, the gas demand for that outlet. If the exact figure of demand is not shown, choose the next larger figure in the column.

(e) At the top of the vertical column in which this demand figure appears is the correct pipe size.

(f) Proceed in a similar manner for each outlet and each section of pipe.

(16) For conditions other than those covered by Table 1, such as longer runs of piping, or greater gas demands, the size of piping required may be calculated by means of standard engineering methods in a manner satisfactory to the gas department.

(17) For apartment or commercial buildings where an appreciable number of vertical risers are to be installed, a pressure loss of 0.5 inch of water column, rather than 0.2 inch on which Table 1 is based, is allowable for vertical risers conducting gas upward. Capacity of pipe based on 0.5 inch pressure loss can be determined by multiplying the capacities shown in Table 1 by 1.6.

(18) It shall be unlawful to remove or disconnect any gas appliance without capping with a screwed joint fitting, the outlet from which said gas appliance was removed. All outlets to which gas appliances are not connected shall be left capped gas tight with screwed joint fittings on any piping system being installed, altered, extended, or repaired.

4-109. Appliance connections. (1) Except as provided hereinafter, every gas appliance shall be rigidly connected to the house gas piping outlet with pipe and fittings as specified in paragraphs (1) and (2) of the section titled Gas Piping.

(2) Gas appliances burning not more than 90 cubic feet per hour and/or not having an automatically controlled valve which completely shuts off the main burner may be connected with approved seamless metal tubing connectors not over 4 feet in length. Any aluminum tubing connectors shall not be left in contact with concrete, cement, or asbestos cement or any location subject to floor cleaning soaps or solutions or in a normally damp location.

(3) Central heating appliances, circulators with automatic controls and floor furnaces shall be installed with a lever operated shut-off valve near the appliance and ahead of all controls.

4-110. Vents. (1) All gas appliances falling in any of the classifications listed below shall be vented with an approved type vent and vent connection.

(a) All gas appliances having an input rating in excess of 30,000 Btu per hour with the exception of domestic cooking appliances.

(b) All floor furnaces.

(c) All gas fired water heaters irrespective of size or type.

(d) All automatically controlled appliances with the exception of refrigerators and domestic cooking appliances.

(e) All space heaters in rooms used or designed to be used for sleeping purposes. Where such rooms are used for transients the space heater shall be equipped with an automatic pilot.

(2) The vent connection and gas vent shall not be smaller than the size indicated by the vent collar of the appliance.

(3) Where the appliance has more than one vent opening or where the vent connections from two or more appliances are combined, the vent connection and/or vent shall equal the combined area for which it acts as a common conductor. Where the load on individual vent connections does not exceed two-thirds of the capacities shown in Table 2, the combined area for a common conductor may be equal to the area of the largest vent connection to be combined.

(4) No vent or vent connection shall be less than three inches in diameter.

(5) The approximate maximum capacity of vents of good construction is shown in Table 2.

TABLE 2

MAXIMUM VENT PIPE CAPACITY

Dia. in Inches	Area in Sq. In.	Cap. in Btu Per Hr.
3	7.1	40,000
4	12.6	80,000
5	19.6	150,000
6	28.3	240,000
7	38.3	360,000
8	50.3	500,000
10	78.5	850,000

(6) All vented appliances for domestic use with the exception of incinerators and appliances designed for use without a draft hood shall be equipped with a draft hood.

(7) Except for conversion burners, dampers shall not be placed in vent or vent connection pipes of gas fired appliances.

(8) Draft hoods of vertical design shall not be installed horizontally or at an angle. The draft hoods of a horizontal design shall not be installed vertically or at an angle. The draft hood shall be installed on the appliance where such construction is provided and shall under no circumstances be installed in another room.

(9) The length of the horizontal run of every vent connection shall be made as short and direct as possible by locating the appliance as near the flue or chimney as practical. In no case shall the above mentioned horizontal run be of such length as to make the vent ineffective. Every vent connection shall have a rise of not less than 1/4 inch per foot of length.

(10) Vent connections shall be either Fire Underwriter's approved Type B Gas Vent Piping or sheet copper not less than No. 24 U. S. gage or galvanized iron not less than No. 28 U.S. gage.

(11) A copper or galvanized iron vent connection shall be exposed to view throughout its entire length in a room, shall not be installed under any portion of a building not directly over a basement or cellar, not in any attic, roof space, or other portion of the building not in general use by the occupants thereof. The minimum lap at joints shall not be less than 1-1/4 inches. Joints shall be riveted or fastened together with sheet metal screws when there are two or more length.

(12) Combustible material within 12 inches vertically and 6 inches horizontally of any copper or galvanized iron vent connection shall be protected with approved fire-resistive material. These distances shall be measured at right angles to the vent connection.

(13) Type B vent connections shall be installed in accordance with Fire Underwriter's requirements.

(14) All vents shall be Fire Underwriter's Approved Type B Gas Vent Piping and shall be installed in accordance with Fire Underwriter's requirements.

(15) Vents and vent connections shall be adequately supported whenever of such length as to be otherwise unstable or insecure and shall be so installed as to avoid sharp turns or other constructional features which should create excessive resistance to the flow of gaseous products.

(16) When two or more vent connections are connected in order to run to the vent or flue as a common vent connections, "y" connections shall be used.

(17) Vents and vent connections extending into or through any combustible material shall be installed in an approved ventilated thimble fitting or its equivalent.

(18) Vents and vent connections shall not be run through air ducts or plenum chambers.

(19) Except as provided in this section, every vent shall extend at least 1 foot above the highest portion of any building and shall terminate in an approved cowl with a venting capacity not less than that of the vent.

(20) A vent which is equipped with a cowl approved for use at a lower elevation on the roof shall terminate not less than:

(a) One foot from any portion of a building and

(b) Four feet horizontally from any vertical portion of a building, and

(c) Four feet horizontally from any roof or portion of a building which extends at an angle of more than 45 degrees from the horizontal.

(21) Before making a vent connection to an existing chimney or flue an examination shall be made to ascertain that the chimney or flue is properly

constructed, clear, of sufficient capacity, and will normally conduct the products of combustion to the outer air. If any of the above conditions are found not to exist, corrections shall be made by approved methods before the chimney or flue is used for vent connection. Any chimney on the outside wall of a building shall be lined.

(22) When making a gas connection to an existing chimney or flue the following provisions shall be adhered to:

(a) No vent connection shall be made to a flue having a fireplace opening unless the opening is permanently and tightly sealed.

(b) The vent connection shall be sealed into the flue or chimney with cement to prevent leakage at this junction. Any other openings which would permit infiltration of air into the flue or chimney shall be permanently sealed.

(c) When venting into a fireplace opening, the entire opening shall be sealed except for the proper size vent pipe opening.

(d) When the vent connection pipe enters the flue from the bottom, it shall project at least 12 inches above the bottom of the flue.

(e) When the vent connection pipe enters the flue or chimney from the side, it shall terminate flush with the inside and shall be at least 12 inches from the bottom of the flue or chimney.

(f) Vent connections shall not enter opposite sides of the same flue or chimney at the same level.

(g) Only gas appliances equipped with an approved type automatic pilot may be connected to any vent or chimney to which there is connected an appliance arranged to burn solid or liquid fuel. The gas appliance vent connection shall enter the vent or chimney 12 inches or more above the solid or liquid fuel vent.

4-111. Water heaters. (1) No gas water heater shall be installed in any room used or designed to be used for sleeping purposes, bathroom, or any occupied room normally kept closed; except in utility rooms provided for this purpose.

(2) All water heating appliances which are installed in a closed system of water piping, and/or any water heater connected to a separate storage tank and having valves between said heater and tank, shall be provided with either a water pressure relief valve set at a pressure of not more than 50 psig above the pressure of the water supply or a combination temperature and pressure relief valve. Every required pressure relief valve or combination temperature and pressure relief valve shall be an approved automatic type with drain. The pressure relief valve shall be installed in the cold water supply pipe between the pressure regulator or check valve and each heater or tank. The combination temperature and pressure relief valve or the temperature relief valve shall be

installed in the hot water line as close to the tank as possible. If a pressure relief or a temperature relief valve is located inside the building and a suitable inside floor drain is not available, a drain pipe shall be extended therefrom to the outside of the building, with the end of the pipe not over 2 feet above the ground and pointing downward. When discharging to the floor drains, the drain pipe shall extend to within six inches of the floor and terminate so as to direct water toward the floor. No shut off valve of any kind shall be installed between a relief valve and the tank it serves.

4-112. Conversion burners. (1) Before any conversion burner is installed the requirements listed below shall be determined by approved engineering methods.

(a) The heat loss of the building.

(b) The amount of radiation, where steam and hot water heating systems are involved.

(c) The warm air leader pipe and return air duct size where gravity or forced air heating systems are involved.

(d) The boiler capacity needed to supply the connected load with the proper amount of steam or hot water, as the case may be.

(e) The furnace capacity and size, where gravity or mechanical warm air heating systems are involved.

(2) After having determined the requirements listed above applicable to the particular heating installation, the actual installation shall be compared with the required installation in accordance with the above standards. The boiler or furnace, as the case may be, will then be acceptable for conversion under the following conditions:

(a) That the installed radiation or warm air lead pipes equal at least 90% of the amount needed.

(b) That the furnace or boiler has a rated capacity sufficient to meet the requirements of the connected load.

(3) Conversion burners shall not be installed in:

(a) Warm air furnaces not equipped with a radiator section.

(b) Warm air heating installations with an outside cold air supply.

(c) Steam or hot water boilers where the flue passages are of insufficient length to permit proper absorption of heat from the burned gas.

(d) Round steam or hot water boilers having less than two pancake sections and a dome section.

(e) Any steam or hot water system where the mains, branches, or risers are not properly insulated.

(4) Water heating coils shall be removed or disconnected before a conversion burner is installed. When water heating coils are disconnected, but left in the furnace, they shall not be capped or plugged.

(5) Provisions shall be made by an approved method to relieve puffs or backfire caused by delayed ignition.

(6) Before a conversion burner is installed, the furnace shall be thoroughly cleaned and inspected, cracks or leaks found in warm air furnaces or boilers shall be properly repaired or defective parts replaced, cracked sections above the heating level shall be replaced before the burner is installed.

(7) All conversion burners shall be installed according to the manufacturer's recommendations unless such recommendations do not allow compliance with his ordinance.

4-113. Floor furnaces. (1) No floor furnace shall be installed in the floor of any aisle or passageway of any room used as a place of public assembly or in any egress from such room.

(2) The space in which any floor furnace is installed shall be accessible by an opening or trapdoor not less than 18 x 24 inches in any cross section thereof, and a passageway not less than 24 x 24 inches in any cross section thereof. The passage shall be continuous from the opening or trapdoor to the furnace controls and valves, and the opening of the passageway shall be located not more than 20 feet from the furnace.

(3) Every portion of the ground within 24 inches horizontally from any floor furnace which projects below the first floor of any building shall be excavated to a level not less than 12 inches below the lowest portion of the furnace.

(4) The location and installation of any floor furnace shall be such as to eliminate the possibility of its being flooded with water under normal conditions.

(5) The floor around the furnace shall be braced and headed with a framework of material not lighter than the joists. The inside dimension of the framework shall be approximately 1/2 inch longer and wider than the furnace to be installed.

4-114. Violation and penalties. Any person who shall violate or fail to comply with any of the provisions of this chapter shall be fined under the general penalty clause for this code of ordinances.

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 4-201. Findings of board.
- 4-202. Definitions.
- 4-203. "Public officer" designated; powers.
- 4-204. Initiation of proceedings; hearings.
- 4-205. Orders to owners of unfit structures.
- 4-206. When public officer may repair, etc.
- 4-207. When public officer may remove or demolish.
- 4-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 4-209. Basis for a finding of unfitness.
- 4-210. Service of complaints or orders.
- 4-211. Enjoining enforcement of order.
- 4-212. Additional powers of public officer.
- 4-213. Powers conferred are supplemental.

4-201. Findings of board. Pursuant to Tennessee Code Annotated, section 13-21-101 et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city and, therefore, ordains as follows.

4-202. Definitions. (1) "Municipality" shall mean the City of Friendship, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, section 13-21-101 et seq.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

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

(6) "Parties in interest" shall mean all individuals, associations, corporations and other who have interests of record in a dwelling and any who are in possession thereof.

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

4-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the Mayor of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the mayor.

4-204. 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 occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer.

4-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order: (1) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the

order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or (2) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

4-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful."

4-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

4-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such costs were incurred. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Crockett County, Tennessee, 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, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Friendship to define and declare nuisances and to cause their removal or abatement by summary proceedings or as otherwise may be provided by the charter or ordinances of the City.

4-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Friendship; such conditions may include the following

(without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness.

4-210. 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 printed and published 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 Crockett County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

4-211. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

4-212. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein: (1)

To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and (5)

To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

4-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.

TITLE 5

BUSINESSES, PROFESSIONS, AND OCCUPATIONS¹

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

- 5-101. Definitions.
- 5-102. Exemptions.
- 5-103. Permit required.
- 5-104. Permit procedure.
- 5-105. Restrictions on peddlers, street barkers and solicitors.
- 5-106. Restrictions on transient vendors.
- 5-107. Display of permit.
- 5-108. Suspension or revocation of permit.
- 5-109. Expiration and renewal of permit.
- 5-110. Violation and penalty.

5-501. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler," means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or

¹Municipal code references

Health and sanitation: title 8.

Junk yards: title 8.

Liquor and beer regulations: title 2.

Noise reductions: title 10.

Posting advertisements and notices: title 10.

²Municipal code references

Privilege taxes: title 6.

Trespass by peddlers, etc.: section 10-801.

from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor," means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes," means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets at least one of the following criteria:

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or similar "umbrella" organization for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Crockett County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Solicitor for subscriptions," means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor,"¹ means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(6) "Street barker," means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

5-102. Exemptions. The terms of this chapter shall not apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold.

5-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall

¹Municipal code references

Tennessee Code Annotated, section 62-30-101 et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, section 67-4-709(a)(19). Note also that Tennessee Code Annotated, section 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, section 67-4-709(b).

solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

5-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the city.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitation, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee State sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit.

5-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

5-106. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

5-107. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand.

5-108. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in Paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

5-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

5-110. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances.

TITLE 6

FINANCE AND TAXATION

CHAPTER

1. REAL AND PERSONAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.

CHAPTER 1

REAL AND PERSONAL PROPERTY TAXES

SECTION

- 6-101. When due and payable.
6-102. When delinquent--penalty and interest.

6-101. When due and payable.¹ Taxes levied by the city against real and personal property shall become due and payable annually on the first day of October of the year for which levied.

¹Charter references

Section 17

State law references

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

6-102. When delinquent--penalty and interest.¹ All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.²

¹Charter references

Section 17

State law references

Tennessee Code Annotated, section 67-1-801(c) provides that if the county trustee collects the municipality's property taxes, a penalty of 1/2 of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

²Charter references

Section 17

State law references

A municipality has the option of collecting delinquent property taxes any one of three ways:

- (1) Under the provisions of its charter for the collection of delinquent property taxes.
- (2) Under Tennessee Code Annotated, sections 6-55-201--6-55-206.
- (3) By the county trustee under Tennessee Code Annotated, section 67-5-2005.

CHAPTER 2

PRIVILEGE TAXES

SECTION

6-201. Tax levied.

6-202. License required.

6-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, title 67, chapter 58) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act.

6-202. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax.

CHAPTER 3

WHOLESALE BEER TAX

SECTION

6-301. To be collected.

6-301. To be collected. The city recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹

¹State law references

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

TITLE 7

FIRE PROTECTION, FIREWORKS AND EXPLOSIVES

CHAPTER

1. MISCELLANEOUS.
2. VOLUNTEER FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE CITY LIMITS

CHAPTER 1

MISCELLANEOUS

SECTION

- 7-101. Storage of explosives, flammable liquids, fireworks etc.
7-102. Gasoline trucks.

7-101. Storage of explosives, flammable liquids, fireworks, etc. The storage of explosives and blasting agents at any location within the corporate limits is prohibited.

The bulk storage of liquified petroleum gas at any location within the corporate limits is prohibited.

The manufacture, distribution, sale, storage, possession, use or discharge of any fireworks at any location within the corporate limits is prohibited.

7-102. Gasoline trucks. No person shall operate or park any gasoline tank truck within the corporate limits at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline.

CHAPTER 2

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules, and regulations.
- 7-204. Records and reports.
- 7-205. Tenure and compensation of members.
- 7-206. Chief responsible for training and maintenance.
- 7-207. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of mayor and aldermen. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, shall be turned over to and become the property of, the city and the city shall use such funds in the equipping of the fire department. Any and all gifts to the volunteer fire department shall be turned over to, and become the property of, the city. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city and shall be and remain the property of the city. The volunteer fire department shall be composed of a chief appointed by the board of mayor and aldermen, and such number of physically-fit subordinate officers and firemen as the fire chief shall appoint. Subject to approval by the board of mayor and aldermen.

7-202. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

¹Municipal code references

Special privileges with respect to traffic: title 9, chapter 2.

7-203. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department, under such rules and regulations as the board of mayor and aldermen may prescribe.

7-204. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor as the mayor requires. The mayor shall submit reports on those matters to the board of mayor and aldermen, as the board of mayor and aldermen requires.

7-205. Tenure and compensation of members. The fire chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The fire chief may be suspended for up to thirty (30) days by the mayor, but may be dismissed only by the board of mayor and aldermen.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe.

7-206. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of mayor and aldermen.

7-207. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, section 68-17-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 17, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

CHAPTER 3

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-301. Restrictions on fire service outside city limits.

7-301. Restrictions on fire service outside city limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the city limits unless the fire is on city owned property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the city as to endanger the city property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the city limits or entered into a contract or mutual aid agreement pursuant to the authority of

(1) The Local Government Emergency Assistance Act of 1987, Public Acts of 1987, Chapter 155.¹

¹State law references

The Local Government Emergency Assistance Act of 1987, Chapter 155, Public Acts of 1987 authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This act does not require written agreements between the requesting or responding local governments. However, it does require that each local government establish policies and procedures to be followed in requesting and responding to requests for emergency assistance. The policies and procedures must be approved by the boards of mayor and aldermen before they go into effect. The policies and procedures may cover only one service, several services, or all of the services named in the Act. They may also include a provision for compensation for emergency assistance.

The Act provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The Act outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its
(continued...)

- (2) Tennessee Code Annotated, section 12-9-101 et seq.¹
- (3) Tennessee Code Annotated, section 6-54-601.²

(...continued)

employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

¹State law reference

Tennessee Code Annotated, section 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with individual fire departments to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide the latter with firefighting assistance. (3) Provide fire protection outside their city limits to either areas or citizens on an individual contractual basis whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided.

²Tennessee Code Annotated, section 12-9-101 et seq. is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

TITLE 8

HEALTH AND SANITATION¹

CHAPTER

1. MISCELLANEOUS.
2. REFUSE.
3. SEWER USE AND WASTEWATER TREATMENT.
4. FAIR USER CHARGE SYSTEM.
5. JUNKYARDS.
6. MOBILE HOME PARKS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 8-101. Smoke, soot, cinders, etc.
8-102. Stagnant water.
8-103. Weeds.
8-104. Dead animals.
8-105. Health and sanitation nuisances.

8-101. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business.

8-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes.

8-103. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the

¹Municipal code references

Animals and fowls: title 3.

Littering streets, etc.: section 12-107.

Wastewater treatment: title 8, chapter 3.

city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot.

8-104. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the city recorder and dispose of such animal in such manner as the city recorder shall direct.

8-105. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity.

CHAPTER 2

REFUSE

SECTION

- 8-201. Refuse defined.
- 8-202. Premises to be kept clean.
- 8-203. Storage.
- 8-204. Location of containers.
- 8-205. Disturbing containers.
- 8-206. Collection.
- 8-207. Collection vehicles.
- 8-208. Disposal.
- 8-209. Refuse collection fees.

8-201. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith.

8-202. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter.

8-203. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep the refuse in strong, durable, and rodent and insect proof plastic bags. They shall each have a capacity of not less than twenty (20) nor more than thirty (30) gallons. Furthermore, the weight of any refuse bag and its contents shall not exceed thirty-five (35) pounds. No refuse shall be placed in a refuse bag until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection.

8-204. Location of containers. Where alleys are used by the city refuse collectors, bags shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, bags shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb,

at such times as shall be scheduled by the city for the collection of refuse therefrom.

8-205. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse bag belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose.

8-206. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the Public Works Director. Collections shall be made regularly in accordance with an announced schedule.

8-207. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys.

8-208. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited.

8-209. Refuse collection fees. Refuse collection fees shall be at such rates as are from time to time set by the board of mayor and aldermen by ordinance or resolution.¹

¹Administrative ordinances and resolutions are of record in the office of the city recorder.

CHAPTER 3

SEWER USE AND WASTEWATER TREATMENT¹

SECTION

- 8-301. Purpose and policy.
- 8-302. Definitions.
- 8-303. Connection to public sewers.
- 8-304. Private domestic wastewater disposal.
- 8-305. Regulation of holding tank waste disposal.
- 8-306. Applications for domestic wastewater discharge and industrial wastewater discharge permits.
- 8-307. Discharge regulations.
- 8-308. Industrial user monitoring, inspection reports, records access, and safety.
- 8-309. Enforcement and abatement.
- 8-310. Penalties; costs.
- 8-311. Fees and billing.
- 8-312. Validity.

8-301. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Friendship, 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 of Friendship 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;

¹Municipal code reference
Title 8, chapter 4.

(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 Friendship 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 of Friendship, Tennessee, 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 Public Works Director of the City of Friendship shall administer, implement, and enforce the provisions of this chapter.

8-302. 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 U.S.C. 1251, et seq.

(2) "Approval Authority" - The director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

(3) "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 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 Friendship or the Board of Mayor and Aldermen, City of Friendship, 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" - means 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" - Shall mean 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" - shall mean 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 U.S.C. 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 U.S.C. 1342).

(21) "Interference" - The inhibition or disruption of the municipal wastewater processes or operations which contributes 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 U.S.C. 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 U.S.C. 1347) which applies to a specific category of industrial users.

(23) "NPDES (National Pollution Discharge Elimination System)" - Shall mean 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 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 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 discharge 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 U.S.C. 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 of Friendship who are, by contract or agreement with the City of Friendship 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" - Shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(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" - Shall mean 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 Public Works Director.

(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 Public Works Director 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 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.

8-303. 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 of Friendship, 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 section 8-303(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 (500) feet 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 section 8-303(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of section 8-304 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 recorder as required by section 8-306 of this chapter.

The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city recorder. 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 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 superintendent to meet all requirements of this chapter. All others may be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(1) The minimum size of a building sewer shall be as follows:

Conventional sewer system - Four (4") inches.

Small Diameter Gravity Sewer - Two (2") inches.

Septic Tank Effluent Pump - One and one quarter (1¼") inches.

Where the septic tanks becomes an integral part of the collection and treatment system, the minimum size influent line shall be four (4") inches and the minimum size of septic tank shall be 1,000 gallons. Septictanks 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.

(2) The minimum depth of a building sewer shall be eighteen (18") inches.

(3) Building sewers shall be laid on the following grades:

Four (4") inch sewers - 1/8 inch per foot.

Two (2") inch sewers - 3/8 inch per foot.

Larger building sewers shall be laid on a grade that will produce a velocity. When flowing full of at least 2.0 feet per second.

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

(5) 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.

(6) A cleanout shall be located five (5) feet outside of the building, one as it crosses the property line and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet 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 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches.

(7) 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 superintendent. All such connections shall be made gas tight and watertight.

(8) 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 1/8-inch 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.

(9) 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 superintendent before installation.

(10) 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 superintendent or his authorized representative.

(b) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection made under the supervision of the 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 by the superintendent to meet specifications of the city.

8-304. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of section 8-303(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 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in Section 8-303, the owner shall provide a private sewage pumping station as provided in Section 8-303(2)(e)(8).

(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 superintendent 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 Crockett County Health Department.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the City of Friendship and the Crockett County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the City of Friendship and the Crockett 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 of Friendship and the Crockett County Health Department. They shall

be allowed to inspect the work at any stage of construction and the owner shall notify the City of Friendship and the Crockett 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 of Friendship and the Crockett 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 and Environment of the State of Tennessee, the City of Friendship, and the Crockett 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 of Friendship and the Crockett County Health Department.

8-305. 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 waste-water 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 recorder when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. 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 section 8-311. Any such permit granted shall be for one 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 3-inch permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his 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 superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Friendship.

8-306. Applications for domestic wastewater discharge and industrial wastewater discharge permits.

(1) Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent 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 superintendent, the building sewer is installed in accordance with section 8-301 of this chapter and an inspection has been performed by the 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 to 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 within 180 days after the effective date of this chapter.

(b) Applications. Applications for Wastewater Discharge Permits shall be required as follows:

(1) Users required to obtain a Wastewater Discharge Permit shall complete and file with the superintendent, an application on a prescribed form accompanied by the appropriate fee. Existing users shall apply for a Wastewater Contribution Permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 60 days prior to connecting to or contributing to the POTW.

(2) 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 sections 8-307 (1) and (2) discharge variations -- daily, monthly, seasonal and 30 minute peaks; a description of all chemicals handled on the premises, each produce 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 superintendent.

(3) 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 superintendent 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.

(4) 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 paragraph, "Pretreatment Standard," shall include either a National Pretreatment Standard or a pretreatment standard imposed by section 8-307 of this chapter.

(5) 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.

(6) 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.

(7) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent 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 or within such extended period as allowed by the superintendent, the superintendent 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:

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

(2) Limits on the average and maximum rate and time of discharge or requirements and equalization.

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

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

(5) Compliance schedules;

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

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

(8) 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.

(9) Requirements for notification of slug discharged;

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

(d) Permit modifications. Within nine 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 superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by sections 8-306(2)(b)(2) and (3). The terms and conditions of the permit may be subject to modification by the superintendent 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 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 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 the 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:

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

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

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

(4) 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, questionnaire, permit application, 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 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 superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user.

8-307. 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 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 65° C (150°F) or causes the influent at the wastewater plant to exceed 40° C (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 superintendent 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 (150) degrees F (0 and 65°C).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Health and Environment. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health and Environment, 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

<u>Pollutant</u>	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
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 & 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 superintendent 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 superintendent 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 superintendent 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

<u>Parameter</u>	Maximum Concentration mg/1 (24 Hour Flow) Proportional <u>Composite Sample</u>	Maximum Instantaneous Concentration (mg/1) <u>Grab Sample</u>
Aluminum		
dissolved (AL)	3.00	6.0
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	0.12
Barium (Ba)	2.50	5.0
Boron	0.4	0.8
Cadmium (Cd)	0.004	0.008
Chromium Hex	0.06	0.12
Cobalt	0.03	0.06
Cooper (Cu)	0.16	0.32
Cyanide (CN)	0.03	0.06
Fluoride (F)	0.6	1.2
Iron (Fe)	3.0	6.0
Lead (Pb)	0.10	0.2
Manganese (Mn)	0.1	0.2
Mercury (Hg)	0.025	0.05
Nickel (Ni)	0.15	0.30
Pesticides & Herbicides	.001	.002
Phenols	1.00	2.0
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.1
Sulfide	25.0	40.0
Zinc (Zn)	0.3	0.6
Total Kjeldahl		
Nitrogen (TKN)	45.00	90.00
Oil & Grease	50.00	100.00
MBAS	5.00	10.0
BOD	220	350
COD	440	700
Suspended Solids	220	350

(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 superintendent 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 superintendent 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 Environment 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 liked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent 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 superintendent (or designated official) in person, by the telephone to enable countermeasures to be taken by the superintendent 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 superintendent compliance with this paragraph.

8-308. 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 superintendent.

When in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the 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 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 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 perform in their specific responsibility.

(3) Compliance date report. Within 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 superintendent 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 superintendent during the months of June and December, unless required more frequently in the Pretreatment Standard or by the 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 superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. in such cases, the report required by subparagraph (a) of this paragraph 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 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 the techniques approved by the Administration.

(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 superintendent, Director of the Division of Water Quality Control Tennessee Department of Health and Environment 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 superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized 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.

8-309. Enforcement and abatement.

(1) Issuance of cease and desist orders. When the 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 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 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 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 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 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 superintendent within 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:

(1) 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;

(2) Take the evidence;

(3) 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 superintendent 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 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 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 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 superintendent 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 of Friendship shall sue for such damage in any court of competent jurisdiction.

8-310. Penalties; costs. (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or the 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 fifty and 00/100 dollars (\$50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. 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 person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

8-311. 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) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may 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 section 8-306 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.¹ 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 section 8-306 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.

8-312. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Friendship, Tennessee.

¹Such rates are reflected in administrative ordinances or resolutions, which are of record in the office of the city recorder.

CHAPTER 4

FAIR USER CHARGE SYSTEM¹

SECTION

8-401. Definitions.

8-402. Fair user charge rate

8-403. Application of the excessive strength surcharge rate.

8-404. Special provisions.

8-405. Reference to other chapter.

8-401. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Fair user charge" shall mean a system of charging each user of the Friendship Sanitary Sewer System an equal amount, depending upon the number of 1,000 gallons, or fraction thereof, of water purchased each month by the user regardless of water usage by the user.

(2) "User" shall mean any individual, firm, company, association, society, corporation, or group.

(3) "Sanitary Sewer System" shall mean all facilities for collecting, pumping, treating, and disposal of sewage.

(4) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm-waters as may be present.

(5) "Water" shall mean treated water supply serving the City of Friendship or any other supply which a person uses and for which a person pays for the consumption thereof.

(6) "Connection Fee" shall mean a fee to be paid by the user at the time the user connects or "Ties-on" to the sewage collection system.

(7) "Non-metered user" shall mean any user, domestic, commercial or industrial who discharges waste to the sewage system, but whose water supply is not metered.

8-402. Fair user charge rate. (1) Inasmuch as the water system serving Friendship is essentially non-metered, the rate structure will be based on residential occupancy and the number of baths, and commercial service will be based on number of baths with a special category for commercial users providing food service.

¹Municipal code references
Title 8, chapter 3.

Special provisions for the city's two schools and industries with sanitary wastes only are included in the rate schedules recommended and adopted in the city's approved 201 Facilities Plan and as listed in (3) of this section.

(2) The fair user charge rate shall be determined prior to the beginning of each fiscal year and shall be based upon the anticipated revenue required to meet the financial obligations of the sanitary sewer system.

(3) The monthly charge for sewer use as determined by application of the fair user charge shall be included on a monthly sewer bill. At least once each year a statement shall be included on or with the monthly bill indicating what portion of the sewer charge is allocated for debt service and what portion is allocated for operation and maintenance.

The fair user charge rate for the initial full year of operation of the sewer system shall be as follows:

Rate Structure

<u>Classification</u>	<u>Monthly Bill</u>
1. 1-2 people, 1 commode	\$ 9.75 flat rate
2. 3 or more people, 1 commode	13.00 flat rate
3. 1-2 people, 2 commode	17.00 flat rate
4. 3 or more people & 2 or more commodes	20.00 flat rate
5. Commercial - with commode	24.00 flat rate
6. Commercial - food service & commode	30.00 flat rate
7. Industrial - sanitary only	24.00 monthly or 3.00/employee whichever is greater
8. Schools - (1st year) $\frac{216 \times 20}{66,240 \times 100}$	6.52% calculated annual O & M
9. Churches	24.00 flat rate

(4) At any time in the future, if the water service becomes a predominantly metered system, the city will change the rate structure so that a uniform rate per 1,000 gallons will be charged for all users of the sanitary sewer system for each 1,000 gallons or fraction thereof of water purchased by the user. In establishing the rate to be charged, the same criteria regarding repayment of capital cost and operation and maintenance cost will be considered.

8-403. Application of the excessive strength surcharge rate. (1) Any user of the sanitary sewer system whose sewage discharge strength exceeds the allowable limits as delineated in the City of Friendships' Sewer Use Provisions (Chapter 3 of this Title) for BOD, Suspended Solids $\text{NH}_3\text{-N}$, or other constituent

for which a surcharge may be imposed, shall pay an amount over and above the fair user charge rate.

The surcharge will be the user's proportionate share of the O & M costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅, suspended solids, NH₃-N, and/or other elements in the "Normal Wastewater" as defined in chapter 3 of this title. The actual strength of the user's wastewater will be determined as provided in the City's Sewer Use Provisions.

Inasmuch as no wastewater containing unusual constituents can be predicted for the early operation of the system and since volume usage is not readily available because of the unmetered water service, the excessive strength surcharge will initially be based on three parameters only; they being BOD₅, suspended solids, and NH₃-N.

The amount of the surcharge will be determined in accordance with the following assumptions and formulas.

From the city's sewer use provisions, the base concentrations for normal sewage are BOD₅, 300 mg/l; suspended solids, 350 mg/l; and NH₃-N, 30 mg/l. For the purpose of determining the surcharge, it is assumed that 50 percent of the cost of operation and maintenance is required for BOD₅ removal; 40 percent for suspended solids removal, and 10 percent for NH₃-N removal.

The symbols used in the surcharge formulas are:

C_r = Monthly operation and maintenance cost for a given base categorical rate classification

C_s = Surcharge for wastewater of excessive strength

B = Concentration of BOD₅ from a user above the base level of 300 mg/l.

B_c = O & M Cost assigned to treatment of BOD₅ from any base categorical rate.
 $B_c = 0.5 C_r$

S = Concentration of suspended solids from a user above the base level of 350 mg/l.

S_c = O & M Cost assigned to treatment of BOD₅ from any base categorical rate.
 $S_c = 0.4 C_r$

N = Concentration of NH₃-N from a user above the base level of 30 mg/l.

N_c = O & M Cost assigned to treatment of BOD₅ from any base categorical rate.
 $N_c = 0.1 C_r$

R_c = Categorical rate for user classification per 8-402 (3) of this chapter.

C_t = Total O & M cost for the city's sanitary sewer system.

R_t = Annual capital or bond retirement cost for city's sanitary sewer system.

The following formulas will be used to calculate the excessive strength surcharge:

$$(1) C_r = R_c \frac{C_t}{\quad}$$

$$C_t + R_t$$

$$(2) C_s = B/300 \times B_c + S/350 \times S_c + N/30 \times N_c$$

As an example for calculating the excessive strength surcharge, assume that a given commercial customer providing food service produces a waste with a BOD₅ concentration of 450; suspended solid concentration of 500 mg/l and NH₃-N concentration of 35 mg/l. The categorical rate for the customer per month from 8-402 (3) is \$30.00. C_t for the first year is \$18,037 and R_t is \$22,230.

From Formula (1) $C_r = R_c \frac{C_t}{C_t + R_t}$

$$C_r = 30.00 \frac{18,037}{18,037 + 22,230} = 13.44$$

$$B_c = 0.5 C_r = 0.5 \times 13.44 = 6.72$$

$$S_c = 0.4 C_r = 0.4 \times 13.44 = 5.38$$

$$N_c = 0.1 C_r = 0.1 \times 13.44 = 1.34$$

and as given

$$B = 450 - 300 = 150$$

$$S = 500 - 350 = 150$$

$$N = 35 - 30 = 5$$

From Formula (2):

$$C_s = B/300 \times B_c + S/350 \times S_c + N/30 \times N_c$$

$$C_s = 150/300 \times 6.72 + 150/350 \times 5.38 + 5/30 \times 1.34$$

$$C_s = 5.89 \text{ monthly surcharge for excessive strength waste}$$

The values of parameters used to determine user charges may vary from time to time. Therefore, the Mayor of Friendship is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken whenever necessary, but in no case less frequently than bi-annually.

(2) The Excessive Strength Surcharge Rates shall be determined bi-annually and shall be based upon those operating expenses of the sewage works which are applicable to the removal of BOD, suspended solids, NH₃-N, or other constituents from the sewage.

8-404. Special provisions. (1) Connection Fee. As provided by the City of Friendship's Sewer Use Chapter, a connection fee shall be levied on all users connecting onto the sanitary sewer system.

(a) Exemptions - Those users who connect onto the new sanitary sewer system within 90 days of notification by the city that public sewers are available will not be liable for the connection fee. If requested in writing, an extension for connection onto the system may be granted without imposition of the connection fee, however, the fair user charge will go into effect at the end of the 90 day notice.

(b) For users who fail to tie-on within the time allotted in (a) or for subsequent new connections, a connection fee to defray the cost to the City of Friendship of providing a service connection will be levied. This connection fee will be subject to review and adjustment annually. The connection fee for the first year will be \$300 for four inch residential connections, \$300 for four inch commercial or industrial connections and \$300 for six inch commercial or industrial connections.

8-405. Reference to other chapter. Chapter 3 of Title 8 together with this chapter are intended to provide the basis for regulating the use of the sanitary sewer system, to promulgate a system whereby each user pays his proportionate share of the cost of the system and to provide a system to recover from industrial users that portion of the Federal EPA Grant which is allocable to the construction of facilities for treatment of waste from those users.

CHAPTER 5

JUNKYARDS

SECTION

8-501. Junkyards.

8-501. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

¹State law reference

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

CHAPTER 6

MOBILE HOME PARKS

SECTION

- 8-601. Jurisdiction.
- 8-602. Definitions.
- 8-603. Permits for a mobile home park.
- 8-604. Fees.
- 8-605. Inspection services.
- 8-606. Application procedure.
- 8-607. Length of occupancy.
- 8-608. Location and planning.
- 8-609. Minimum number of spaces.
- 8-610. Minimum mobile home space and spacing of mobile homes.
- 8-611. Transportation system.
- 8-612. Utilities.
- 8-613. Parking spaces.
- 8-614. Enforcement.
- 8-615. Appeals
- 8-616. Appeals from board.
- 8-617. Violation and penalty.

8-601. Jurisdiction. The regulations established within this chapter shall govern all mobile home parks within the city. Any owner of land within this area wishing to develop a mobile home park shall submit to the procedures outlined in this chapter and shall make those improvements necessary to comply with the minimum standards of this chapter.

8-602. Definitions. Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions where not inconsistent with the context. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural. Words used in the present tense include the future. For the purpose of this chapter certain words or terms are defined as follows:

(1) "Diagonal tie" - Any tie down designated to resist horizontal forces and which does not deviate less than 30 degrees from a vertical direction.

(2) "Ground anchor" - Any device at a mobile home stand designed for the purpose of securing a mobile home to the ground.

(3) "Health officer" - The director of the county or district health department having jurisdiction over the community health in the city, or his duly authorized representative.

(4) "Mobile home (Trailer)" - A detached single-family dwelling unit with any or all of the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.

(c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, locations of foundation supports, connection to utilities and the like.

(5) "Mobile home space" - A plot of land within a mobile home park designated for the accommodation of a single mobile home.

(6) "Mobile home park" - A parcel of land within the city under single ownership which has been improved for the placement of two (2) or more mobile homes for non-transient use.

(7) "Tie down" - Any device designed for the purpose of attaching a mobile home to ground anchors.

8-603. Permits for a mobile home park. The following requirements for permits shall apply to any mobile home park within the city. The purpose of these permits shall be to provide contents to assure compliance with this chapter and other existing chapters; the public welfare demanding such.

(1) No place or site within the city shall be established by any group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the city recorder in the name of such person or persons for the specific mobile home park.

(2) It shall be unlawful for any person or persons to maintain or operate, within the city, any existing mobile home park unless such person or persons first obtain a permit therefor. Mobile home parks in existence as of the effective date of this chapter shall be required to obtain a mobile home park permit. Pre-existing mobile home parks which cannot comply with the requirements regarding mobile home parks shall be considered as a non-conforming use.

(3) Every person holding a mobile home park permit shall give notice in writing to the city recorder within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of interest in and/or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership of control of such mobile home park for the purpose of transferring the permit.

(4) No mobile home park in the city shall operate without the appropriate city and county business permits or licenses.

(5) Any permit issued "shall become" void six (6) months from the date of issuance unless substantial efforts have been made by the date to exercise that power permissible by the permit.

(6) Any use, arrangement, or construction at variance with those originally authorized plans submitted as a basis for any permit shall be deemed a violation of this chapter and void the permit.

(7) In accordance with Tennessee State Law, a permit for the installation of the mandatory mobile home anchoring system is required and obtainable from the appropriate state inspector.

(8) No mobile home shall be used, placed, stored or serviced by utilities within the city or within any mobile home park in the city unless there is posted near the door of said mobile home a valid Tennessee State License or a HUD inspection sticker.

(9) The city recorder is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

8-604. Fees. In order to assure a more cost effective system for the provision of inspection services, permit fees are hereby established as follows:

(1) Mobile Home Park Permit Fee - An annual mobile home park fee of ten dollars (\$10.00) shall be required for all mobile home parks within the city. This fee for the mobile home park permit shall be collected by the city recorder.

(2) Business Permit (License) Fees - Appropriate city and county fees are required for business permits and license and shall be obtained prior to the construction of any mobile home park within the city.

(3) Electrical Inspection Fee - An electrical inspection fee is required and shall be levied in accordance to Tennessee statutes for inspection services recommended.

(4) Anchoring Fee - The state anchoring system inspection fee as required by Tennessee statutes shall be levied in accordance with said statutes.

(5) Tennessee License Fee - A state license fee for mobile homes is required by Tennessee statutes and shall be levied in accordance with said statutes.

8-605. Inspection services. The city recorder or designee is hereby authorized and directed to make inspections within the city for the purpose of safeguarding the health and safety of the occupants of mobile home parks and of the general public. He shall have the authority to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

8-606. Application procedure. Applications for a mobile home park shall be filed with the city recorder and the planning commission for review and recommendation. Plans of the proposed mobile home park shall be filed with the city recorder at least seven (7) days prior to the planning commission meeting at which it is to be considered. The plan shall contain the following information and conform to the following requirements:

- (1) The plan shall be clearly and legibly drawn to a scale not smaller than one hundred (100) feet to one (1) inch;
- (2) Name and address of owner of record;
- (3) Proposed name of park and the total acreage involved;
- (4) North point and graphic scale and date;
- (5) Vicinity map showing location and acreage of mobile home park;
- (6) Exact boundary lines of the tract by bearing and distance;
- (7) Names of owners of record of adjoining land;
- (8) Existing streets, utilities, easements and water courses on and adjacent to the tract;
- (9) Contour lines at 2' intervals or as required by the planning commission;
- (10) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
- (11) Provisions for water supply, sewerage and drainage;
- (12) Such information as may be required by the city to enable it to determine if the proposed park will comply with legal requirements;
- (13) The applications and all accompanying plans and specifications shall be filed in triplicate.
- (14) Certification that the applicant is the land owner;
- (15) Certification of approval by the city recorder;
- (16) Certification of approval to be signed by the secretary of the planning commission;

Within sixty (60) days after submission of the site plan, the planning commission will review it and recommend approval or disapproval, or approval subject to modification. If disapproved, reasons for such shall be stated in writing.

The planning commission recommendation shall be forwarded to the board of mayor and aldermen for final approval, provided that, where modifications have been required of the applicant which are to appear on the site plan, such changes, as recommended by the planning commission, shall have been made.

8-607. Length of occupancy. No mobile home space shall be rented in any mobile home park except for periods of thirty (30) days.

8-608. Location and planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the city planning commission or board of mayor and aldermen.

8-609. Minimum number of spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is two (2).

8-610. Minimum mobile home space and spacing of mobile homes. Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch¹ and at least fifteen (15) feet end to end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and thirty-five (35) feet from the right-of-way of any public street or highway.

8-611. Transportation system. (1) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot and other important park facilities. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic.

(2) The street system shall be designed to recognize existing easements, utility lines, etc., which must be preserved and to permit connection of existing facilities where necessary for the proper functioning of the drainage and utility systems. Streets shall also be adapted to the topography, have suitable alignment for traffic safety, and have satisfactory surface and ground water drainage.

(3) All streets either public or internal (private) shall be a minimum of twenty-two (22) feet in width to accommodate anticipated traffic. Designated collector streets shall be of a width established by the planning commission.

(4) Before any proposed street may be constructed, the area must first be inspected by the city engineer who will at that time review the size of culvert

¹If the construction of additional rooms or covered areas is to be allowed beside the mobile homes, the mobile home spaces shall be made wider to accommodate such construction in order to maintain the required fifteen (15) feet of open space.

necessary, to prevent future drainage problems. The developer will be responsible for the provision of the specified culvert and installation of the culvert in the manner as is indicated by the city engineer.

(5) Surfaced streets are required, and all streets shall meet the city's specifications for base and asphaltic concrete paving.

(6) All streets located within a mobile home park shall be illuminated with lighting units consisting of 400 watt mercury vapor lamps at intervals of 100 feet approximately 30 feet from the ground.

(7) Off-street parking areas shall be provided in all mobile home parks for the use of the occupants and guests without interference with the normal movement of traffic. All parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

8-612. Utilities. (1) Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after the Division of Sanitary Engineering, Tennessee Department of Public Health, 606 Cordell Hull Building, Nashville, Tennessee 37219, has been contacted for requirements to construct, operate, and maintain a public water system and written approval of plans and specifications has been granted by the County Health Officer.

(2) Sewage disposal. The mobile home must be connected to the city sewer system and each mobile home must be connected according to the city sewer regulations.

(3) Refuse. The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazard. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holder shall be provided.

(4) Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weatherproof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulation No. 15, entitled, "Regulations Relating to electrical Installations in the State of Tennessee", and shall satisfy all requirements of the local electric service organization.

(5) Gas supply. Natural gas, if used by the mobile home park must be installed and connected to the city's gas system according to city gas regulations.

8-613. Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home lot. The

size of the individual parking space shall have a minimum width of not less than ten (10) and length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

8-614. Enforcement. It shall be the duty of the city recorder or designee to enforce provisions of this ordinance.

8-615. Appeals. The board of mayor and aldermen shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the city recorder in the enforcement of this chapter, may appeal for and receive a hearing by the city board for an interpretation of the pertinent provisions of this chapter. In exercising this power of interpretation of this chapter, the city board may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision, or determination made by the city recorder.

8-616. Appeals from board. Any person or persons or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the city board may seek a review by a court of record of such decision in the manner provided by the laws of the State of Tennessee.

8-617. Violation and penalty. Any person or corporation who violates the provisions of this chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the city recorder after receipt of thirty-five (35) days written notice of such requirements, shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense, and each day of continued violation shall constitute a separate offense, subsequent to receipt of said thirty-five (35) days notice.

TITLE 9

MOTOR VEHICLES AND TRAFFIC¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS²

SECTION

- 9-101. Motor vehicle requirements.
- 9-102. Driving on streets closed for repairs, etc.
- 9-103. Reckless driving.
- 9-104. Driving under the influence.
- 9-105. One-way streets.
- 9-106. Unlaned streets.
- 9-107. Laned streets.
- 9-108. Yellow lines.
- 9-109. Miscellaneous traffic control signs, etc.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 12.

²State law references

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

- 9-110. General requirements for traffic control signs, etc.
- 9-111. Unauthorized traffic control signs, etc.
- 9-112. Presumption with respect to traffic control signs, etc.
- 9-113. Driving through funerals or other processions.
- 9-114. Clinging to vehicles in motion.
- 9-115. Riding on outside of vehicles.
- 9-116. Backing vehicles.
- 9-117. Projections from the rear of vehicles.
- 9-118. Causing unnecessary noise.
- 9-119. Vehicles and operators to be licensed.
- 9-120. Passing.
- 9-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 9-122. Operation of vehicles by minors.
- 9-123. Damaging pavements.

9-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9.

9-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose.

9-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property.

9-104. Driving under the influence. (See the Tennessee Code Annotated, sections 55-10-401, 55-10-303, and 55-10-307).

9-105. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction.

9-106. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

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

9-107. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

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

9-108. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street.

9-109. Miscellaneous traffic control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer.

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: sections 9-505--9-507.

9-110. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,¹ published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive.

9-111. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal.

9-112. Presumption with respect to traffic control signs, etc. When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority.

9-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.

9-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place.

9-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks.

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

9-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

9-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.

9-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle.

9-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law."

9-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety.

9-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.

(1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

(3) No person operating or riding a bicycle, motorcycle, motor driven cycle or motorized bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section.

9-122. Operation of vehicles by minors. (1) Definitions.

(a) "Minor" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a minor who has been emancipated by marriage or otherwise.

(b) "Adult" shall mean any person eighteen years of age or older.

(c) "Custody" means the control of the actual, physical care of the minor, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the minor. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the minor's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Juvenile" shall mean any person defined as such in Tennessee Code Annotated, section 37-1-101 et. seq.

(e) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(f) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a minor, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a minor, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the City of Friendship unless such

person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a minor to permit any such minor to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city.

9-123. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street.

CHAPTER 2

EMERGENCY VEHICLES

SECTION

- 9-201. Authorized emergency vehicles defined.
9-202. Operation of authorized emergency vehicles.
9-203. Following emergency vehicles.
9-204. Running over fire hoses, etc.

9-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police.

9-202. Operation of authorized emergency vehicles.¹ (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

¹Municipal code references

Operation of other vehicles upon the approach of emergency vehicles:
section 9-501.

9-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

9-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman.

CHAPTER 3

SPEED LIMITS

SECTION

9-301. In general.

9-302. At intersections.

9-303. In school zones.

9-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply.

9-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any inter-section 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.

9-303. In school zones. Pursuant to Tennessee Code Annotated, section 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 forty (40) minutes before the opening hour of a school, or a period of forty (40) 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.

CHAPTER 4

TURNING MOVEMENTS

SECTION

9-401. Generally.

9-402. Right turns.

9-403. Left turns on two-way roadways.

9-404. Left turns on other than two-way roadways.

9-405. U-turns.

9-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹

9-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.

9-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways.

9-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

9-405. U-turns. U-turns are prohibited.

¹State law references

Tennessee Code Annotated, sec. 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 9-501. Upon approach of authorized emergency vehicles.
- 9-502. When emerging from alleys, etc.
- 9-503. To prevent obstructing an intersection.
- 9-504. At "stop" signs.
- 9-505. At "yield" signs.
- 9-506. At flashing traffic control signals.
- 9-507. Stops to be signaled.

9-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

9-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles.

9-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed.

9-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately

¹Municipal code references

Special privileges of emergency vehicles: title 9, chapter 2.

before entering the intersection, and shall remain standing until he can proceed through the intersection in safety.

9-505. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted.

9-506. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 9-504 of this code.

9-507. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency.

¹State law reference

Tennessee Code Annotated, section 55-8-143.

CHAPTER 6

PARKING

SECTION

- 9-601. Generally.
- 6-602. Unauthorized parking zones.
- 6-603. Designation of parking spaces.
- 9-604. Angle parking.
- 9-605. Occupancy of more than one space.
- 9-606. Where prohibited.
- 9-607. Loading and unloading zones.
- 9-608. Presumption with respect to illegal parking.

9-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street.

6-602. Unauthorized parking zones. The governing body may by resolution prohibit all parking on any street which, by reason of grade, curvature, width, condition of surface, or otherwise, would pose a hazard to traffic or pedestrians if parking were allowed thereon. The city shall erect "no parking" signs on such streets and/or such locations.

6-603. Designation of parking spaces. The chief of police is hereby directed and authorized to mark off individual parking spaces, and to designate loading and unloading zones which shall only be used as set out herein, in the

downtown business district, in the school district, and in other areas of the city where such individual parking spaces would facilitate the orderly and safe flow of traffic and parking, and in such other zones as may hereafter be established, such parking spaces to be designated by lines painted or durably marked on the curbing or surface of the street.

9-604. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet.

9-605. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space.

9-606. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

- (1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the

vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, section 55-8-160(c).

9-607. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone.

9-608. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking.

CHAPTER 7

ENFORCEMENT

SECTION

- 9-701. Issuance of traffic citations.
- 9-702. Failure to obey citation.
- 9-703. Illegal parking.
- 9-704. Impoundment of vehicles.
- 9-705. Disposal of abandoned motor vehicles.
- 9-706. Deposit of drivers license in lieu of bail.

9-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address.

9-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued.

9-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation.

¹Municipal code references

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 1, chapter 5.

State law reference

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

The offender may, within thirty (30) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, but before a warrant for his arrest is issued, his fine shall be five dollars (\$5.00). For the violation of parking in a handicapped parking space, the fine for the first offense shall be not more than twenty-five dollars (\$25.00) and the fine for all offenses after the first shall be fifty dollars (\$50.00) for each offense.¹

9-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of.

9-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, section 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, sections 55-16-103 through 55-16-109.

9-706. Deposit of drivers license in lieu of bail.

(1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required

¹State law reference

Tennessee Code Annotated, section 55-21-108

for his appearance in the city court of this city in answer to such charge before said court.

(2) Receipt to be issued. The officer, or the court demanding bail, who receives any person chauffeur's or operator's license as herein provided, shall issue to said person a receipt for said license upon a form approved or provided by the Tennessee Department of Safety.

(3) Failure to appear disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with provisions of Tennessee Code Annotated, section 55-7-401 et seq.

TITLE 10

OFFENSES-MISCELLANEOUS¹

CHAPTER

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

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

10-101. Misdemeanors of the state adopted.

10-101. Misdemeanors of the state² adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against this city also. Any violation of any such law within the corporate limits is also a violation of this section.

¹Municipal code references

- Animals and fowls: title 3.
- Housing and utilities: title 4.
- Fireworks and explosives: title 7.
- Health and sanitation: title 8.
- Traffic offenses: title 9.
- Streets and sidewalks (non-traffic): title 12.

²State law references

- For the definition of "misdemeanor," see Tennessee Code Annotated, sections 39-1-103 and 39-1-104.

CHAPTER 2

ALCOHOL¹

SECTION

10-201. Public drunkenness.

10-202. Drinking alcoholic beverages in public, etc.

10-201. Public drunkenness. See Tennessee Code Annotated, section 39-6-925, et. seq.; also see title 33, chapter 8.

10-202. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place.

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 2.

CHAPTER 3

GAMBLING, FORTUNE TELLING, ETC.

SECTION

10-301. Gambling prohibited.

10-302. Promotion of gambling.

10-303. Fortune telling, etc.

10-301. Gambling prohibited. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing.

10-302. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia.

10-303. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.

CHAPTER 4

OFFENSES AGAINST THE PERSON

SECTION

10-401. Assault and battery.

10-401. Assault and battery. It shall be unlawful for any person to commit an assault and battery upon another person.

CHAPTER 5

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

10-501. Disturbing the peace.

10-502. Anti-noise regulations.

10-501. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

10-502. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or other device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of person in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the

quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

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

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

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

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hour of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety.

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.

CHAPTER 6

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

10-601. Escape from custody or confinement.

10-602. Impersonating a government officer or employee.

10-603. False emergency alarms.

10-601. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement.

10-602. 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. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee.

10-603. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act.

CHAPTER 7

FIREARMS, WEAPONS AND MISSILES

SECTION

10-701. Firearms.

10-702. Air rifles, etc.

10-703. Throwing missiles.

10-701. Firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the city.

10-702. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method.

10-703. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person.

CHAPTER 8

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

10-801. Trespassing.

10-802. Malicious mischief.

10-803. Interference with traffic.

10-801. Trespassing.¹ (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail

¹State law references

Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, section 39-3-1201 et seq.

to promptly leave the private premises of any person who requests or directs him to leave.¹

10-802. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him.

10-803. 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 with the free passage of pedestrian or vehicular traffic thereon.

¹Municipal code reference

Provisions governing peddlers: title 5, chapter 3.

CHAPTER 9

MISCELLANEOUS

SECTION

10-901. Abandoned refrigerators, etc.

10-902. Curfew for minors.

10-901. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door.

10-902. Curfew for minors. It shall be unlawful for any person under the age of eighteen (18) years to be abroad at night between 11:00 p.m. and 5:00 a.m., Sunday through Monday and 12:00 midnight and 5:00 a.m. Friday and Saturday, unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult having lawful custody of such minor.

TITLE 11

PLANNING AND ZONING

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

11-101. Creation and membership.

11-102. Organization, rules, staff, and finances.

11-103. Powers and duties.

11-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, section 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure.

11-102. Organization, rules, staff, and finances. The planning commission shall elect its chairman from among its appointive members. The term of chairman shall be one year with eligibility for re-election. The commission shall adopt rules for the transactions, findings, and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of grants or gifts, shall be within the amounts appropriated for the purpose by the board of mayor and aldermen.

11-103. Powers and duties. From and after the time when the planning commission shall have organized and selected its officers, together with the adoption of its rules or procedure, then the commission shall have all the powers, duties, and responsibilities as set forth in title 13, Tennessee Code Annotated.

TITLE 12

STREETS AND OTHER PUBLIC WAYS AND PLACES¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND DRIVEWAYS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 12-101. Obstructing streets, alleys, or sidewalks prohibited.
- 12-102. Trees projecting over streets, etc., regulated.
- 12-103. Trees, etc., obstructing view at intersections prohibited.
- 12-104. Projecting signs and awnings, etc., restricted.
- 12-105. Banners and signs across streets and alleys restricted.
- 12-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 12-107. Littering streets, alleys, or sidewalks prohibited.
- 12-108. Obstruction of drainage ditches.
- 12-109. Abutting occupants to keep sidewalks clean, etc.
- 12-110. Parades, etc., regulated.
- 12-111. Animals and vehicles on sidewalks.
- 12-112. Fires in streets, etc.

12-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials.

12-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet.

12-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his

¹Municipal code reference

Related motor vehicle and traffic regulations: title 9.

property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

12-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected so as not to obstruct the safe view of vehicle operators.

12-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

12-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law.

12-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes.

12-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way.

12-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk.

12-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city recorder.

12-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or

inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

12-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk.

CHAPTER 2

EXCAVATIONS AND DRIVEWAYS¹

SECTION

- 12-201. Notification required.
- 12-202. Safety restrictions on excavations.
- 12-203. Restoration of streets, etc.
- 12-204. Driveways.

12-201. Notification required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first notified the city recorder provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without such notification when emergency circumstances demand the work to be done immediately and notification cannot reasonably and practicably be given. The person shall thereafter give notification on the first regular business day on which the office of the city recorder is open for business.

12-202. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall provide sufficient and proper barricades and lights to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users.

12-203. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to its original condition. In case of unreasonable delay in restoring the street, alley, or public place, the city recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work

¹State law reference

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

and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

12-204. Driveways. No one shall build or maintain a driveway that intersects with a city street, alley, or other public place without first notifying the public works director. No driveway approach shall be permitted within twenty-five (25) feet of the right-of-way of the intersecting street, and no more than one driveway approach shall be permitted per lot when the lot is seventy-five (75) feet or less in width fronting on any street. All new constructions or replacement of driveway drainage culverts shall have minimum dimensions of 15 inches in diameter for metal corrugated pipe or 12 inches in diameter for concrete pipe, and twenty (20) feet in length, unless the public works director determines that larger dimensions are necessary for the adequate flow of storm water, and shall be constructed in a manner not to impede adequate drainage along the road right-of-way.

TITLE 13

UTILITIES AND SERVICES¹

CHAPTER

1. WATER AND SEWERS.
2. ELECTRICITY.
3. GAS.
4. CABLE TELEVISION.

CHAPTER 1

WATER AND SEWERS

SECTION

- 13-101. Application and scope.
- 13-102. Definitions.
- 13-103. Application and contract for service.
- 13-104. Service charges for temporary service.
- 13-105. Connection charges.
- 13-106. Water and sewer main extensions.
- 13-107. Water and sewer main extension variances.
- 13-108. Meters.
- 13-109. Meter tests.
- 13-110. Rules for water leak adjustment.
- 13-111. Multiple services through a single meter.
- 13-112. Customer billing and payment policy.
- 13-113. Termination or refusal of service.
- 13-114. Termination of service by customer.
- 13-115. Access to customers' premises.
- 13-116. Inspections.
- 13-117. Customer's responsibility for system's property.
- 13-118. Customer's responsibility for violations.
- 13-119. Supply and resale of water.
- 13-120. Unauthorized use of or interference with water supply.
- 13-121. Limited use of unmetered private fire line.

¹Municipal code references

Gas code: title 4.

Refuse disposal: title 8.

Wastewater treatment: title 8.

- 13-122. Damages to property due to water pressure.
- 13-123. Liability for cutoff failures.
- 13-124. Restricted use of water.
- 13-125. Interruption of service.
- 13-126. Schedule of rates.

13-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (as replaced by ord. No. 92-01)

13-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the city under either an express or implied contract.

(2) "Service line" shall consist of the pipe line extending from any water or sewer main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(4) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (as replaced by ord. No. 92-01)

13-103. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract and pay a service deposit of \$15, if prospective customer is the owner of the property or \$75 if the prospective customer rents the property, before service is supplied. The service deposit shall be \$75 for mobile homes. The service deposit shall be refundable if and only if the city cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant. (as replaced by ord. No. 92-01)

13-104. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (as replaced by ord. No. 92-01)

13-105. Connection charges. Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water or sewer service line will be laid by the city, the applicant shall pay a nonrefundable tap fee of \$200 for water and \$200 for sewer.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (as replaced by ord. No. 92-01)

13-106. Water and sewer main extensions.¹ Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

All such extensions shall be installed either by city forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

A pipe diameter of 6" shall be required on water main extensions by any person making such an extension, including City of Friendship personnel, contractors, or individuals.

Upon completion of such extensions and their approval by the city, such water and/or sewer mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (as replaced by ord. No. 92-01)

¹Municipal code reference

Construction of building sewers: title 8, chapter 3.

13-107. Water and sewer main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (as replaced by ord. No. 92-01)

13-108. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (as replaced by ord. No. 92-01)

13-109. Meter tests. The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test required by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00

6" and over

30.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (as replaced by ord. No. 92-01)

13-110. Rules for water leak adjustment. The following is a list of the rules for water leak adjustment.

(1) Must be a water leak. Proof of repair may be required if there is any doubt.

(2) One adjustment per calendar year per customer.

(3) Five dollar minimum adjustment for water and five dollar minimum adjustment for sewer.

(4) Adjustment cannot be made until billing is processed and received by the customer.

(5) Customer must request adjustment either in person or by phone during regular business hours after bill has been received by the customer and before cut-off date, which is approximately twenty-five days.

(6) Customer pays average consumption calculated over the past six months, provided the residence has been occupied during that time, plus one-half of the leak.

(7) The City of Friendship shall make an adjustment for one-half of the leak at \$1.00 per thousand gallons of water. (as replaced by ord. No. 92-01)

13-111. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (as replaced by ord. No. 92-01)

13-112. Customer billing and payment policy. Water and sewer bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than ten (10) days after the date of the bill. Failure

to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed 10% for any portion of the bill paid after the net payment period.

Payment must be received in the water and sewer department no later than 4:00 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday, net payment will be accepted if paid on the next business day no later than 4:00 P.M.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (as replaced by ord. No. 92-01)

13-113. Termination or refusal of service. (1) Basis of termination or refusal. The city shall have the right to discontinue water and sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills.
- (b) The customer's application for service.
- (c) The customer's contract for service.

The right to discontinue service shall apply to all water and sewer services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of water service according to the following terms and conditions:

- (a) Written notice of termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off, and
 - (1) The amount due, including other charges.
 - (2) The last date to avoid service termination.
 - (3) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.
- (b) In the case of termination for nonpayment of bills, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If the customer is not at

home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

(c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 4:00 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(d) Termination will not be made on any preceding day when the water and sewer department is scheduled to be closed.

(e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the water and sewer department, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the water and sewer department, plus the payment of a reconnection charge of \$20 if the reconnection to the water or sewer line is made during regular business hours, or \$30 if the reconnection to the water or sewer line is made after regular business hours. If the reconnection is to be to the water, sewer and gas lines, the payment of a reconnection charge of \$30 shall be made if the reconnection to all lines is made during regular business hours, or \$40 if the reconnection to all lines is made after regular business hours. (as replaced by ord. No. 92-01)

13-114. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period

subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (as replaced by ord. No. 92-01)

13-115. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (as replaced by ord. No. 92-01)

13-116. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (as replaced by ord. No. 92-01)

13-117. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (as added by ord. No. 92-01)

13-118. Customer's responsibility for violations. Where the city furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not

be necessary to impose such personal responsibility on him. (as added by ord. No. 92-01)

13-119. Supply and resale of water. All water shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the city. (as added by ord. No. 92-01)

13-120. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (as added by ord. No. 92-01)

13-121. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (as added by ord. No. 92-01)

13-122. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (as added by ord. No. 92-01)

13-123. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately

owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (as added by ord. No. 92-01)

13-124. Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (as added by ord. No. 92-01)

13-125. Interruption of service. The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (as added by ord. No. 92-01)

13-126. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.¹ (as added by ord. No. 92-01)

¹Administrative ordinances and regulations are of record in the office of the city recorder.

CHAPTER 2

ELECTRICITY

SECTION

13-201. To be furnished by Gibson County Electric.

13-201. To be furnished by Gibson County Electric. Electricity shall be provided to the City of Friendship and its inhabitants by the Gibson County Electric. The rights, powers, duties, and obligations of the City of Friendship and its inhabitants, are stated in the agreements between the parties.¹

¹The Agreements are of record in the office of the recorder.

CHAPTER 3

GAS¹

SECTION

- 13-301. Application and scope.
- 13-302. Definitions.
- 13-303. Application and contract for service.
- 13-304. Service charges for temporary service.
- 13-305. Connections.
- 13-306. Gas main extensions.
- 13-307. Gas main extension variances.
- 13-308. Meters.
- 13-309. Multiple services through a single meter.
- 13-310. Customer billing and payment policy.
- 13-311. Termination or refusal of service.
- 13-312. Termination of service by customer.
- 13-313. Access to customer's premises.
- 13-314. Inspections.
- 13-315. Customer's responsibility for system's property.
- 13-316. Customer's responsibility for violations.
- 13-317. Supply and resale of gas.
- 13-318. Unauthorized use of or interference with gas supply.
- 13-319. Damages to property due to gas pressure.
- 13-320. Liability for cutoff failures.
- 13-321. Restricted use of gas.
- 13-322. Interruption of service.
- 13-323. Schedule of rates.

13-301. Application and scope. The provisions of this chapter are a part of all contracts for receiving gas service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

13-302. Definitions. (1) "Customer" means any person, firm, or corporation who receives gas service from the city under either an express or implied contract.

¹Municipal code reference
Gas Code: title 4.

(2) "Service line" shall consist of the pipe line extending from any gas main of the city to private property.

Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's gas main to and including the meter and meter box.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(4) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

13-303. Application and contract for service. Each prospective customer desiring gas service will be required to sign a standard form contract and pay a service deposit of \$25.00 on residential homeowners and \$100.00 on residential rental and commercial before service is supplied. The service deposit shall be refundable if and only if the city cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish the service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant.

13-304. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for gas service.

13-305. Connections. Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

13-306. Gas main extensions. Persons desiring gas main extensions must pay all of the cost of making such extensions. All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such gas mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate the mains as an integral part of the municipal gas system and shall furnish gas service therefrom in accordance with these rules and regulations.

13-307. Gas main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the city and its inhabitants to construct a gas main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make gas main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons.

13-308. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a gas meter without the written permission of the city. No one shall install any pipe or other device which will cause gas to pass through or around a meter without the passage of such gas being registered fully by the meter.

13-309. Multiple services through a single meter. No customer shall supply gas service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of gas used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The gas and charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of gas so allocated to it, such computation to be made at the city's

applicable gas schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied.

13-310. Customer billing and payment policy. Gas bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than ten (10) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed 10% for any portion of the bill paid after the net payment period.

Payment must be received in the gas department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday net payment will be accepted if paid on the next business day no later than 4:30 P.M.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if gas is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available.

13-311. Termination or refusal of service. (1) Basis of termination or refusal. The city shall have the right to discontinue gas service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills.
- (b) The customer's application for service.
- (c) The customer's contract for service.

Such right to discontinue service shall apply to all gas services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of gas service according to the following terms and conditions:

- (a) Written notice of termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off and
 - (1) The amount due, including other charges.
 - (2) The last date to avoid service termination.
 - (3) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) In the case of termination for nonpayment of bill, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If a customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

(c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(d) Termination will not be made on any preceding day when the gas department is scheduled to be closed.

(e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the gas department, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made or the correction of the problem that resulted in the termination of service in a manner satisfactory to the gas department, plus the payment of a reconnection charge of \$35.00.

13-312. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service.

13-313. Access to customers premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' gas plumbing and premises generally in order to secure compliance with these rules and regulations.

13-314. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or gas plumbing system before gas service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or gas plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

13-315. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer.

13-316. Customer's responsibility for violations. Where the city furnishes gas service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

13-317. Supply and resale of gas. All gas shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the gas or any part thereof except with written permission from the city.

13-118. Unauthorized use of or interference with gas supply. No person shall turn on or turn off any of the city's gas, valves, or controls without permission or authority from the city.

13-319. Damages to property due to gas pressure. The city shall not be liable to any customer for damages caused to his gas plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's gas mains.

13-320. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for gas that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a gas service, the city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that gas enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff.

13-321. Restricted use of gas. In times of emergencies or in times of gas shortage, the city reserves the right to restrict the purposes for which gas may be used by a customer and the amount of gas which a customer may use.

13-322. Interruption of service. The city will endeavor to furnish continuous gas service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal gas system, the gas supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

13-323. Schedule of rates. All gas service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.¹

¹Administrative ordinances and regulations are of record in the office of the city recorder.

CHAPTER 4

CABLE TELEVISION

SECTION

13-401. To be furnished under franchise.

13-401. To be furnished under franchise. Cable television shall be furnished to the City of Friendship and its inhabitants under franchise granted to Cablecom of Dyersburg by the board of mayor and aldermen of the City of Friendship, Tennessee. The rights, powers, duties and obligations of the City of Friendship and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹ (as replaced by ord. No. 92-01)

¹For complete details relating to the cable television franchise agreement see ordinance no. 89-02 dated 10/13/89 in the office of the city recorder.

ORDINANCE NO. 92-03

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION [AND REVISION] OF THE ORDINANCES OF THE CITY OF FRIENDSHIP, TENNESSEE.

WHEREAS some of the ordinances of the City of Friendship 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 Friendship, 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 "Friendship Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRIENDSHIP, 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 13, both inclusive, are ordained and adopted as the "Friendship Municipal Code," hereinafter referred to as the "Municipal Code."

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

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

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; nor shall such repeal affect any ordinance annexing territory to the city or amending its zoning map.

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. 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 act is required or the failure 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 of 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 other applicable law.

When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.¹

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

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see the Tennessee Code Annotated, sections 40-24-101 et seq.

Section 6. Code as evidence. Any printed copy of the municipal code certified under the signature of the recorder shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

Section 7. 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.

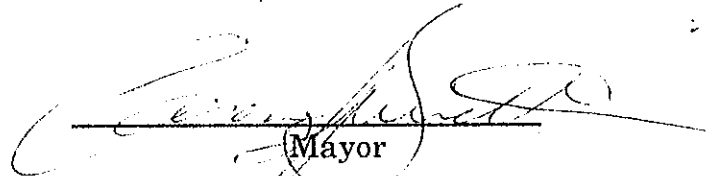
Section 8. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions 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.

Section 9. 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.

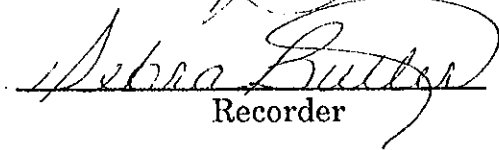
Section 10. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 11. 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 May 4, 1992



Mayor



Recorder