

**THE  
HALLS  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

March 1998

Change 6, January 3, 2011

**TOWN OF HALLS, TENNESSEE**

**MAYOR**

Eugene Pugh

**ALDERMEN**

Wayne Belton  
Ty Brasfield  
Matt Henderson  
David Jennings  
James Tyus  
Stan Young

**RECORDER**

Vonda Shelton

## PREFACE

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

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

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

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

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

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

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Sandy Selvage, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Tracy G. Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini  
Codification Specialist

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

Sec. 24. Be it further enacted, That all ordinances<sup>1</sup> shall be signed by the Mayor and Recorder, and the same shall be spread upon the minutes of the Board of Mayor and Aldermen, and shall be filed and preserved among the records of the town. They shall also be recorded in a book to be kept for the purpose; and a certified copy of the ordinance from the minutes or from the book kept for the purpose, shall be full evidence of the same in all trials in any of the courts of this State, the certificate to be made by the Mayor under the seal of the corporation, if the corporation have a seal.

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<sup>1</sup>For adoption and amendment procedures see § 1-104 in the municipal code.

**TITLE 1**

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

**CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

**CHAPTER 1**

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

**SECTION**

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Adoption and amendment of ordinances.
- 1-105. Salary of aldermen.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the first Monday of each month at the town hall. (1980 Code, § 1-101)

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

- (1) Call to order by the mayor.

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<sup>1</sup>Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references

Compensation: § 5.

Oath of office: § 4.

Qualifications: § 4.

Terms of office: § 4.

- (2) Roll call by the recorder.
- (3) Approval or correction of minutes of the previous meeting.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1980 Code, § 1-102, modified)

**1-103. General rules of order.** The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1980 Code, § 1-103, modified)

**1-104. Adoption and amendment of ordinances.** Each ordinance adopted by the board of mayor and aldermen shall be in writing before being considered by the board, shall be considered and voted on by the board at two (2) lawful meetings held on two (2) separate days, and shall be adopted by a majority vote of those board members present both times it is considered. Votes shall be taken by calling the "ayes" and "noes" which shall be recorded in the minutes of the board. Any ordinance not so adopted shall be null and void. No ordinance which has been finally adopted shall be amended except by a new ordinance. (1980 Code, § 1-104)

**1-105. Salary of aldermen.** The salary of aldermen shall be three hundred dollars (\$300.00) per month. (as added by Ord. #09-02, Jan. 2009)

## CHAPTER 2

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

#### SECTION

- 1-201. Generally supervises municipality's affairs.
- 1-202. Executes municipality's contracts.
- 1-203. Salary of mayor.

**1-201. Generally supervises municipality's affairs.** The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1980 Code, § 1-201)

**1-202. Executes municipality's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1980 Code, § 1-202)

**1-203. Salary of mayor.** The salary of the mayor shall be one thousand dollars (\$1,000.00) per month. (as added by Ord. #09-02, Jan. 2009)

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<sup>1</sup>Charter references

Compensation: § 5.

Duties: § 11.

Oath of office: § 4.

Term of office: §§ 4 and 11.

Vacancy in office: § 12.



**CHAPTER 3****RECORDER<sup>1</sup>****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

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

**1-301. To be bonded.** The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1980 Code, § 1-301)

**1-302. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1980 Code, § 1-302)

**1-303. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the board of mayor and aldermen and for the municipality which are not assigned by the charter, this code, or the board to another corporate officer. He or she shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1980 Code, § 1-303)

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<sup>1</sup>Charter references

Bond: § 20.

Compensation: §§ 4 and 5.

Duties: § 16.

Oath of office: § 4.

## CHAPTER 4

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.

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<sup>1</sup>State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

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

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated, § 8-47-101 and the following sections.

**1-401. Applicability.** This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #07-05, May 2007)

**1-402. Definition of "personal interest."** (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #07-05, May 2007)

**1-403. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself<sup>1</sup> from voting on the measure. (as added by Ord. #07-05, May 2007)

**1-404. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the

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<sup>1</sup>Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #07-05, May 2007)

**1-405. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #07-05, May 2007)

**1-406. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #07-05, May 2007)

**1-407. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #07-05, May 2007)

**1-408. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #07-05, May 2007)

**1-409. Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #07-05, May 2007)

**1-410. Ethics complaints.** (1) The town attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The town attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #07-05, May 2007)

**1-411. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07-05, May 2007)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

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**[RESERVED FOR FUTURE USE]**

**TITLE 3**

**MUNICIPAL COURT<sup>1</sup>**

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**CHAPTER**

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

**CHAPTER 1**

**CITY JUDGE**

**SECTION**

3-101. City judge.

**3-101. City judge.** The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1980 Code, § 1-501)

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<sup>1</sup>Charter reference: § 13A.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

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

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

**3-201. Maintenance of docket.** The 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 workhouse; and all other information which may be relevant. (1980 Code, § 1-502)

**3-202. 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 justices of the peace<sup>1</sup> for similar work in state cases. (1980 Code, § 1-508)

**3-203. 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 municipality. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1980 Code, § 1-511)

**3-204. 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. (1980 Code, § 1-512)

**3-205. Trial and disposition of cases.** Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.



disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1980 Code, § 1-506)

## CHAPTER 3

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

**3-301. Issuance of arrest warrants.**<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1980 Code, § 1-503)

**3-302. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally 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 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. (1980 Code, § 1-504)

**3-303. 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. (1980 Code, § 1-505)

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<sup>1</sup>State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

**3-401. 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 ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1980 Code, § 1-507)

**3-402. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1980 Code, § 1-509)

**3-403. 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 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 located within the county. No other type bond shall be acceptable. (1980 Code, § 1-510)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY--TOWN PERSONNEL.
2. VACATIONS AND SICK LEAVE--TOWN PERSONNEL.
3. MISCELLANEOUS REGULATIONS.
4. PERSONNEL RULES AND REGULATIONS.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

SOCIAL SECURITY--TOWN PERSONNEL

SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
- 4-106. Exclusions.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Halls, Tennessee, to extend at the earliest date, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1980 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor of the Town of Halls, Tennessee, 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. (1980 Code, § 1-702)

4-103. 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. (1980 Code, § 1-703)

4-104. 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; which shall be paid over to the state or federal agency designated by said laws or regulations. (1980 Code, § 1-704)

4-105. Records and reports to be made. The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1980 Code, § 1-705)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town.

Notwithstanding any provision(s) heretofore contained in the Social Security Agreement between said parties, it is now the intent and purpose of the Board of Mayor and Aldermen of the Town of Halls, Tennessee, to amend the Social Security Agreement by and between the Town of Halls, Tennessee, and the State Old Age and Survivors Insurance Agency, to exclude from its coverage group under the federal system of Old Age, Survivors, Disability, Health Insurance, the services of election officials/workers if the enumeration paid for such services in a calendar year is less the \$1,000 on or after January 1, 1995, ending on or before December 31, 1999, and the adjusted amount thereafter determined under Section 218(c)(3)(B) of the Social Security Act, for any calendar year commencing on or after January 1, 2000.

The mayor of the Town of Halls, Tennessee, 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. (1980 Code, § 1-706, as amended by Ord. #63, April 1995)

## CHAPTER 2

VACATIONS AND SICK LEAVE--TOWN PERSONNEL

## SECTION

- 4-201. Applicability of chapter.  
 4-202. Holidays.  
 4-203. Vacation leave.  
 4-204. Sick leave.  
 4-205. Leave records.

4-201. 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. (Ord. of March 12, 1984)

4-202. Holidays. The following days shall be observed as legal holidays by the town's employees: New Year's Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, and such other days as may be designated by the board of mayor and aldermen. When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be observed as the official holiday for the town.

Where possible, every town employee shall be given approved holidays as set out in this section, and all employees will be paid for eight hours at their respective rate of pay even if the official holiday coincides with their regularly scheduled day off. Those employees who are regularly scheduled to work on the official holiday will receive payment for the holiday plus straight time for their time worked. For those employees who are scheduled to take the holiday, but then are required to work, they will receive payment for the holiday plus one and one-half times the time worked. (Ord. of March 12, 1984)

4-203. Vacation leave. All officers and employees who have been continuously employed for a period of one (1) year or longer shall be credited with earned vacation leave in accordance with the following schedule:

<u>Completed Service</u>	<u>Vacation Credit-Per Year</u>
After 1 year	5 working days
After 5 years	10 working days

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment. Employees shall accrue vacation leave from their employment date, but shall not be entitled to take

vacation until they have completed one (1) year of service. Vacation leave may be taken as earned subject to the approval of the department head who shall schedule vacations so as to meet the operational requirements of the department. Employees may accrue vacation leave to a maximum of twenty (20) working days. The town will pay for vacation days earned but not taken. Vacation pay to employees who have voluntarily or involuntarily terminated their employment with the town shall not exceed their appropriate one year's vacation credit. (Ord. of March 12, 1984)

4-204. Sick leave. All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each month of employment hereafter served. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. Sick leave shall not be considered as a right which an officer or employee may use at his discretion, but rather as a privilege.

When an officer or employee is absent due to reasons as provided in this section, in order to be granted sick leave with pay, he shall notify his immediate supervisor prior to the beginning of the scheduled work day, of the reason for his absence. The mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave.

The maximum credit for accrued sick leave under the provisions of this section shall be ninety (90) days. (Ord. of March 12, 1984)

4-205. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter. (Ord. of March 12, 1984)

## CHAPTER 3

MISCELLANEOUS REGULATIONS

## SECTION

- 4-301. Business dealings.
- 4-302. Acceptance of gratuities.
- 4-303. Outside employment.
- 4-304. Political activity.
- 4-305. Use of municipal time, facilities, etc.
- 4-306. Use of position.
- 4-307. Strikes and unions.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1980 Code, § 1-901)

4-302. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality 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 town business. (1980 Code, § 1-902)

4-303. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1980 Code, § 1-903)

4-304. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the town is not required to pay the employee's salary for work not performed for the town. Provided, however, municipal employees shall not be qualified to run for elected office in the board of mayor and aldermen. The restriction against running for office in the board of mayor and aldermen shall not apply to elective officials. (1980 Code, § 1-904, modified)



4-305. Use of municipal time, facilities, etc. No municipal 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. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1980 Code, § 1-905)

4-306. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1980 Code, § 1-906)

4-307. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1980 Code, § 1-907)

## CHAPTER 4

PERSONNEL RULES AND REGULATIONS<sup>1</sup>

## SECTION

- 4-401. Purpose.
- 4-402. Administration.
- 4-403. Personnel rules and regulations.
- 4-404. Records.
- 4-405. Right to contract for special services.
- 4-406. Discrimination.
- 4-407. Amendments.

4-401. Purpose. The purpose of this chapter is to establish a system of personnel administration in the Town of Halls that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin or handicapped condition. (Ord. of Nov. 7, 1988)

4-402. Administration. The personnel system shall be administered by the mayor, who shall have the following duties and responsibilities:

(1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the city charter, and federal and state laws relating to personnel administration.

(2) Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the municipality subject to those policies as set forth in this chapter, the city charter and the municipal code.

(3) Fix and establish the number of employees in the various municipal government departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the city charter and code, and subject to the approval of the board of mayor and aldermen and budget limitations.

(4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health.

(5) Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employee's class, title, pay rates, and other relevant data.

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<sup>1</sup>The Personnel Manual, Ord. of Nov. 7, 1988, and any amendments, is of record in the recorder's office.

(6) Make periodic reports to the board of mayor and aldermen regarding the administration of the personnel system.

(7) Recommend to the board of mayor and aldermen a position classification plan, and install and maintain such a plan upon approval by the board of mayor and alderman.

(8) Prepare and recommend to the board of mayor and aldermen a pay plan for all municipal government employees.

(9) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government.

(10) Be responsible for certification of payrolls.

(11) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the board of mayor and aldermen. (Ord. of Nov. 7, 1988)

4-403. Personnel rules and regulations. The mayor shall develop rules and regulations, in the form of an employee's handbook, necessary for the effective administration of the personnel system. The board of mayor and aldermen shall adopt the rules presented to them by the mayor. If the board of mayor and aldermen has taken no action within ninety (90) days after receipt of the draft personnel rules and regulations, they shall become effective as if they had been adopted, and shall have the full force and effect of law. Amendments to the rules and regulations shall be made in accordance with the procedure below. (Ord. of Nov. 7, 1988)

4-404. Records. The city recorder shall maintain adequate records of the employment record of every employee as specified herein. (Ord. of Nov. 7, 1988)

4-405. Right to contract for special services. The board of mayor and aldermen may direct the mayor to contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (Ord. of Nov. 7, 1988)

4-406. Discrimination. No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (Ord. of Nov. 7, 1988)

4-407. Amendments. Amendments or revisions of these rules may be recommended for adoption by the mayor. Such amendments or revisions of

these rules shall become effective after public hearing and approval by the governing body. (Ord. of Nov. 7, 1988)

CHAPTER 5

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

SECTION

- 4-501. Title.
- 4-502. Purpose.
- 4-503. Coverage.
- 4-504. Standards authorized.
- 4-505. Variances from standards authorized.
- 4-506. Administration.
- 4-507. Funding the program.

4-501. Title. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the Town of Halls. (as added by Ord. #05-45, April 2005)

4-502. Purpose. The Town of Halls, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement;
  - (b) Continually analyze the worksite to identify all hazards and potential hazards;
  - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

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<sup>1</sup>The Occupational Safety and Health Program for the Town of Halls, including all Appendices is included in this municipal code as Appendix A.

(5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (as added by Ord. #05-45, April 2005)

4-503. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Halls shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Halls whether part-time or full-time, seasonal or permanent. (as added by Ord. #05-45, April 2005)

4-504. Standards authorized. The occupational safety and health standards adopted by the board of mayor and aldermen are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.<sup>1</sup> (as added by Ord. #05-45, April 2005)

4-505. Variances from standards authorized. The board of mayor and aldermen may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the board of mayor and aldermen shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the board of mayor and aldermen shall be deemed sufficient notice to employees. (as added by Ord. #05-45, April 2005)

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 50, chapter 3.

4-506. Administration. For the purposes of this chapter, the public works director is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the safety program for the Town of Halls. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #05-45, April 2005)

4-507. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of mayor and aldermen. (as added by Ord. #05-45, April 2005)

**TITLE 5**

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

**CHAPTER**

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

**CHAPTER 1**

**REAL PROPERTY TAXES**

**SECTION**

5-101. Discounts prohibited.

**5-101. Discounts prohibited.** All discounts previously allowed on property taxes will in the future be prohibited. (1980 Code, § 6-201)

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<sup>1</sup>Charter references: §§ 3, 25, and 26.



**CHAPTER 2****PRIVILEGE TAXES****SECTION**

5-201. Tax levied.

5-202. License required.

**5-201. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the municipality at the rates and in the manner prescribed by the act. (1980 Code, § 6-301)

**5-202. License required.** No person shall exercise any such privilege within the municipality 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. (1980 Code, § 6-302)

**CHAPTER 3****WHOLESALE BEER TAX****SECTION**

5-301. To be collected.

**5-301. To be collected.** The recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1980 Code, § 6-401)

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<sup>1</sup>State law reference

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 6****LAW ENFORCEMENT**

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**CHAPTER**

1. POLICE AND ARREST.
2. WORKHOUSE.

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

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

**6-101. Policemen subject to chief's orders.** All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1980 Code, § 1-401)

**6-102. Policemen to preserve law and order, etc.** Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1980 Code, § 1-402)

**6-103. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1980 Code, § 1-403)

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

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<sup>1</sup>Municipal code reference

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

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1980 Code, § 1-404)

**6-105. Policemen may require assistance.** It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1980 Code, § 1-405)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender does not post the required bond, he shall be confined. (1980 Code, § 1-406)

**6-107. Police department records.** The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1980 Code, § 1-407)

**CHAPTER 2****WORKHOUSE****SECTION**

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

**6-201. County workhouse to be used.** The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1980 Code, § 1-601)

**6-202. Inmates to be worked.** All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1980 Code, § 1-602)

**6-203. Compensation of inmates.** Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines and costs assessed against him.<sup>1</sup> (1980 Code, § 1-603)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 40-24-104.

**TITLE 7****FIRE PROTECTION AND FIREWORKS<sup>1</sup>****CHAPTER**

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

**CHAPTER 1****FIRE DISTRICT****SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be as follows:

Beginning at the intersection of Shannon Street with Front Street and extends thence north with Front Street to the intersection of Front Street with Tigrett Street; extends thence with Tigrett Street west to the intersection of Tigrett Street with an alley, known as Quack Alley, and which is the first alley west of Main Street; extends thence with said alley known as Quack Alley south to the intersection of said Alley with Shannon Street; extends thence with Shannon Street east to Front Street and the beginning, and all the area encompassed by said boundaries is included within said fire limits. (1980 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

## CHAPTER 2

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

#### SECTION

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

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,<sup>2</sup> 1994 edition with 1995 revisions, as recommended by the Southern Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1980 Code, § 7-201, modified)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1980 Code, § 7-202)

**7-203. Definition of "municipality."** Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Halls, Tennessee. (1980 Code, § 7-203)

**7-204. Storage of explosives, flammable liquids, etc.** The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

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

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

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

The limits referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (1980 Code, § 7-204)

**7-205. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1980 Code, § 7-205)

**7-206. Variances.** The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1980 Code, § 7-206)

**7-207. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1980 Code, § 7-207)



## CHAPTER 3

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

#### SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Chief to be assistant to state officer.

**7-301. Establishment, equipment, and membership.** There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of volunteer, physically-fit, subordinate officers and firemen as the chief shall appoint. (1980 Code, § 7-301)

**7-302. Objectives.** The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1980 Code, § 7-302)

**7-303. Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1980 Code, § 7-303)

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

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<sup>1</sup>Municipal code reference

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

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1980 Code, § 7-304)

**7-305. Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1980 Code, § 7-305)

**7-306. Chief responsible for training and maintenance.** The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for operations not less than once a month. (1980 Code, § 7-306)

**7-307. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1980 Code, § 7-308)

## CHAPTER 4

### FIRE SERVICE OUTSIDE TOWN LIMITS

#### SECTION

7-401. Equipment to be used only within corporate limits generally.

**7-401. Equipment to be used only within corporate limits generally.** No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on town owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the municipality as to endanger the municipal property or unless expressly authorized in writing by the board of mayor and aldermen. (1980 Code, § 7-307)

**TITLE 8**

**ALCOHOLIC BEVERAGES<sup>1</sup>**

**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

**CHAPTER 1**

**INTOXICATING LIQUORS**

**SECTION**

- 8-101. Alcoholic beverages subject to regulations.
- 8-102. Application for certificate of good moral character.
- 8-103. Applicant to agree to comply with laws.
- 8-104. Applicant to appear before board of mayor and aldermen; duty to give information.
- 8-105. Action on application.
- 8-106. Residency requirement.
- 8-107. Applicants for certificate who have criminal record.
- 8-108. Only one establishment to be operated by retailer.
- 8-109. Where establishments may be located.
- 8-110. Retail stores to be on ground floor; entrances.
- 8-111. Limitation on number of retailers.
- 8-112. Sales for consumption on premises.
- 8-113. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-114. Inspection fee.
- 8-115. Violations.
- 8-116. Definitions.

**8-101. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of the Town of Halls, Tennessee, except as provided by Tennessee Code Annotated, title 57 and this chapter. (1980 Code, § 2-101, as replaced by Ord. #07-01, Feb. 2007)

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

**8-102. Application for certificate of good moral character.** Before any character certificate, as required by Tennessee Code Annotated, § 57-3-208, or a renewal, as required by Tennessee Code Annotated, § 57-3-213, shall be signed by the mayor, or by any aldermen, an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant;
- (2) Number of years residence in the city;
- (3) Occupation or business and length of time engaged in such occupation or business;
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction;
- (5) If employed, the name and address of the applicant's employer;
- (6) If in business, the kind of business and location thereof;
- (7) The exact location of the proposed store for the sale of alcoholic beverages;
- (8) The name and address of the owner of the store; and,
- (9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees or percentages of ownership of stock in the corporation.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership, the application shall be verified by the oath of each partner; if the applicant is a corporation, the application shall be verified by the oath of the president of the corporation.

Each application shall be accompanied by a non-refundable investigation fee of eight hundred and fifty dollars (\$850.00). (as added by Ord. #07-01, Feb. 2007)

**8-103. Applicant to agree to comply with laws.** The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (as added by Ord. #07-01, Feb. 2007)

**8-104. Applicant to appear before board of mayor and aldermen; duty to give information.** An applicant for a certificate of good moral character may be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #07-01, Feb. 2007)

**8-105. Action on application.** Every application for a certificate of good moral character shall be referred to the chief of police for investigation and

to the city attorney for review, each of whom shall submit his findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed. The mayor or a majority of the board of mayor and aldermen may issue a certificate of moral character to any applicant. (as added by Ord. #07-01, Feb. 2007)

**8-106. Residency requirement.**<sup>1</sup> The applicant for a certificate of good moral character shall have been a bona fide resident of Lauderdale County, Tennessee for not less than one (1) year at the time his application is filed. If the applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of Lauderdale County, Tennessee for not less than one (1) year at the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to for seven (7) consecutive years and who is otherwise covered by Tennessee Code Annotated, § 57-3-204. (as added by Ord. #07-01, Feb. 2007)

**8-107. Applicants for certificate who have criminal record.** No certificate of good moral character for the manufacture or sale at wholesale or retail of alcoholic beverages or for the manufacture or vinting of wine shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of good moral character, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #07-01, Feb. 2007)

**8-108. Only one establishment is to be operated by retailer.** No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest, or otherwise. (as added by Ord. #07-01, Feb. 2007)

**8-109. Where establishments may be located.** It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned for that purpose and, as applicable, at such locations whose plans have been

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-3-208(c).

approved by the planning commission, but in no event shall any establishment be located:

- (1) Adjacent to any residence; or,
- (2) Within one thousand (1,000) feet of a hospital, church, school, public park, public institution, or any other place of public gathering, measured in a straight line<sup>1</sup> between the nearest point on the property line upon which sits the building from which the alcoholic beverages will be sold, stored or distributed, and the nearest point on the property line of the hospital, school, church, public park, public institution, or other place of public gathering; or,
- (3) At any location at which excessive congestion exists based upon traffic patterns existing in the city at the date upon which the application is made.

Any location at which any person proposes to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city must have adequate parking for the establishment. (as added by Ord. #07-01, Feb. 2007)

**8-110. Retail stores to be on ground floor; entrances.** No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. (as added by Ord. #07-01, Feb. 2007)

**8-111. Limitation on number of retailers.**<sup>2</sup> No more than two (2) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (as added by Ord. #07-01, Feb. 2007)

**8-112. Sales for consumption on premises.** No alcoholic beverages shall be sold for consumption on the premises of the seller. (as added by Ord. #07-01, Feb. 2007)

**8-113. Radios, amusement devices and seating facilities prohibited in retail establishments.** No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such

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<sup>1</sup>State law reference, see *Watkins v. Naifeh*, 635 S. W. 2d 104 (Tenn. 1982) and other cases cited therein which establish the straight-line method of measurement.

<sup>2</sup>State law reference  
Tennessee Code Annotated, § 57-3-208(c).

place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #07-01, Feb. 2007)

**8-114. Inspection fee.** The Town of Halls, Tennessee hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. At the date of the initial passage of this chapter, the inspection fee is set at eight percent (8%) of the wholesale price of alcoholic beverages supplied to a retailer in the Town of Halls by any wholesaler. (as added by Ord. #07-01, Feb. 2007)

**8-115. Violations.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #07-01, Feb. 2007)

**8-116. Definitions.** (1) The terms used in this chapter shall have the definition given them in title 57 of the Tennessee Code Annotated, as may be amended from time to time.

(2) Wherever used in this chapter, "city" or "town" shall mean the Town of Halls, Tennessee.

(3) Whenever used in this chapter, "character certificate" or "certificate of good moral character" mean the certificate required of any applicant for a license for the retail sale of alcoholic beverages as a precondition of the license and which is defined in Tennessee Code Annotated, § 57-3-208(c). (as added by Ord. #07-01, Feb. 2007)



## CHAPTER 2

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

#### SECTION

- 8-201. Beer business lawful but subject to regulation.
- 8-202. Beer board created.
- 8-203. Permit required for engaging in beer business.
- 8-204. Permit to be for off premises consumption only; exception.
- 8-205. Application for a permit.
- 8-206. Interference with public health, safety, and morals prohibited.
- 8-207. Suspension or revocation of permit; authority and procedure for; issuance of new permit.
- 8-208. Permit to be posted.
- 8-209. Permit not transferable.
- 8-210. Wholesalers, etc., to sell to licensed retailers only.
- 8-211. Sales not to be made to persons who are intoxicated, feeble-minded, etc.
- 8-212. Persons under twenty-one (21) years of age not purchase or attempt to purchase, or be sold beer, etc.
- 8-213. Hours and days of sale regulated.
- 8-214. Other prohibited conduct or activities by beer permit holders.
- 8-215. Violations.
- 8-216. Privilege tax.

**8-201. Beer business lawful but subject to regulation.** It shall hereafter be lawful to sell, store for resale, distribute, or manufacture beer of alcoholic content of not more than five per cent (5%) by weight or other beverages of like alcoholic content within the corporate limits of the Town of Halls, subject to all of the regulations, limitations, and restrictions hereinafter provided. (1980 Code, § 2-201)

**8-202. Beer board created.** There is hereby created a board, which shall be known and designated as the "Beer Board of the Town of Halls." Such board shall be composed of the mayor and aldermen of the Town of Halls, or a board composed of five (5) members appointed by the mayor and aldermen. (1980 Code, § 2-202)

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<sup>1</sup>State law reference

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

**8-203. Permit required for engaging in beer business.** No person shall engage in the selling, storing for resale, distributing, or manufacturing of beer of alcoholic content of not more than five per cent (5%) by weight or other beverages of like alcoholic content within the corporate limits of the Town of Halls until he shall receive a permit to do so from the beer board, which permit shall at all times be subject to all of the limitations and restrictions herein provided. (1980 Code, § 2-203)

**8-204. Permit to be for off premises consumption only; exception.** Permits issued for the retail sale of beverages coming within the provisions of this chapter shall be restricted to permits providing for off-premises consumption only. Provided, however, it shall be lawful for the beer board to issue a permit for on-premises sale and consumption of any beverage coming within the provisions of this chapter, to bona fide, recognized veteran's organizations subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder. (1980 Code, § 2-204)

**8-205. Application for a permit.** Before any permit is issued by the beer board, the applicant therefor shall file with the beer board a sworn petition in writing on forms prescribed by and furnished by the board, and shall establish the following:

(1) That the applicant is a citizen of the United States or, if a syndicate or association, that all the members thereof are citizens of the United States.

(2) The location of the premises at which the business shall be conducted.

(3) The owner or owners of such premises.

(4) That no person will be employed in the sale, storage for resale, distribution, or manufacture of such beverages except those who are citizens of the United States.

(5) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer permit board has issued a permit or permits to such applicant.

(6) That no sale of such beverages will be made except in accordance with the permit granted.

(7) That no sale will be made for consumption on the premises and that no consumption will be allowed on the premises thereof (unless applicant is a veteran's organization).

(8) That no sale will be made to any person under twenty-one (21) years of age and that the applicant will not permit such persons or disorderly or disreputable persons heretofore connected with the violation of liquor laws to loiter around the place of business.

(9) That neither the applicant, nor any persons employed or to be employed by him in such distribution or sale of such beverage, has ever been

convicted of any violation of any law prohibiting the sale, manufacture, or transportation of intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years.

(10) That the applicant will conduct the business in person, for himself, or if he is acting as agent, the applicant shall state the person, firm, or corporation, syndicate, association, or joint stock company for whom the applicant intends to act.

(11) A non-refundable fee of two hundred fifty dollars (\$250.00) shall be paid by the applicant when the application for a permit is filed. (1980 Code, § 2-205, as amended by Ord. of Feb. 7, 1983, and Ord. of Oct. 4, 1993)

**8-206. 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 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 storage, sale, or manufacture of beer at places within one thousand (1000) feet of any school, church, or other such place of public gathering, measured along street rights-of-way. (Ord. of Feb. 7, 1983)

**8-207. Suspension or revocation of permit; authority and procedure for; issuance of new permit.** All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

The board created by this chapter is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked for the violation of the provisions of this chapter or the provisions of the state beer act.

Complaints filed against any permit holder for the purpose of suspending or revoking his permit shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the state beer act, the board is authorized, in its discretion, to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violation. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department. The notice shall be served upon the permittee at least ten (10) days before the date of the hearing. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the

board in all such hearings shall be final, subject only to review by the courts as provided in the state beer act. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one (1) year from the date said revocation becomes final. (1980 Code, § 2-206)

**8-208. Permit to be posted.** The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1980 Code, § 2-207)

**8-209. Permit not transferable.** Permits issued under the provisions of this chapter are not transferable, either as to location or to successor by purchase, or otherwise, of the business for which the permit was issued, and in either case, a new permit is required in the manner provided herein. (1980 Code, § 2-208)

**8-210. Wholesalers, etc., to sell to licensed retailers only.** It shall be unlawful for any wholesaler, distributor, or manufacturer of beer, or any of their salesmen or representatives, to sell or deliver beer enroute, or from delivery vehicles, to any person other than holders of valid retail beer permits, and it shall be the duty of such wholesaler, distributor, or manufacturer, their salesmen or representatives, to ascertain whether or not such purchaser is a holder of a valid retail beer permit. (1980 Code, § 2-209)

**8-211. Sales not to be made to persons who are intoxicated, feeble-minded, etc.** It shall be unlawful and it is hereby declared to be a misdemeanor for any person, firm, corporation, or association, engaged in the business regulated hereunder, to make, or to permit to be made, any sales or distribution of such beverages to persons intoxicated or to sell or distribute such beverages to persons who are feeble-minded, insane, or otherwise mentally incapacitated. (1980 Code, § 2-210)

**8-212. Persons under twenty-one (21) years of age not to purchase or attempt to purchase, or be sold beer, etc.** It shall be unlawful for any person under twenty-one (21) years of age to purchase or attempt to purchase any beverage regulated hereunder and it shall be unlawful for any such person to present or offer to any permittee, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to procure such beverage. It shall also be unlawful for any person to purchase beer for a person under twenty-one (21) years of age or for any person to sell beer to a person under twenty-one (21) years of age. (1980 Code, § 2-211, modified)

**8-213. Hours and days of sale regulated.** It shall be unlawful and it is hereby declared to be a misdemeanor for any person, persons, firm,

corporation, or association to sell or distribute any of beverages regulated under this chapter within the corporate limits between the following hours:

(1) Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, each day from 3:00 A.M. to 8:00 A.M.

(2) Sunday at 3:00 A.M. to 10:00 A.M. (1980 Code, § 2-212, as amended by Ord. #07-04, May 2007)

**8-214. Other prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

(1) Allow pool or billiard playing in the same room where beer is sold.

(2) Allow beer to be sold without placing such in paper bags or boxes so as to conceal the content before it is taken off the premises. (Ord. of Feb. 7, 1983)

**8-215. Violations.** Any person in violation of any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a penalty under the general penalty clause for this municipal code. In the case of a person seventeen (17) years of age or less, he shall be taken before the juvenile judge for appropriate disposition. (1980 Code, § 2-213)

**8-216. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the Town of Halls, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. of Oct. 4, 1993)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

CHAPTER

1. PEDDLERS, ETC.
2. CHARITABLE SOLICITORS.
3. TAXICABS.
4. POOL ROOMS.
5. CABLE TELEVISION.
6. PERSONAL PROPERTY SALES IN RESIDENTIAL ZONING DISTRICT.
7. SEXUALLY ORIENTED BUSINESS REGULATIONS.

CHAPTER 1

PEDDLERS, ETC.<sup>2</sup>

SECTION

- 9-101. Permit required.
- 9-102. Exemptions.
- 9-103. Application for permit.
- 9-104. Issuance or refusal of permit.
- 9-105. Appeal.
- 9-106. Bond.
- 9-107. Loud noises and speaking devices.
- 9-108. Use of streets.
- 9-109. Exhibition of permit.
- 9-110. Policemen to enforce.
- 9-111. Revocation or suspension of permit.
- 9-112. Reapplication.
- 9-113. Expiration and renewal of permit.

9-101. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

<sup>2</sup>Municipal code reference

Privilege taxes: title 5.

chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1980 Code, § 5-201)

9-102. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1980 Code, § 5-202)

9-103. Application for permit. Applicants for a permit under this chapter must file with the recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.
- (7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.
- (8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.
- (9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1980 Code, § 5-203)

9-104. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The recorder shall keep a permanent record of all permits issued. (1980 Code, § 5-204)

9-105. Appeal. Any person aggrieved by the action of the chief of police and/or the recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1980 Code, § 5-205)

9-106. Bond. Every permittee shall file with the recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1980 Code, § 5-206)

9-107. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1980 Code, § 5-207)

9-108. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the



operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1980 Code, § 5-208)

9-109. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1980 Code, § 5-209)

9-110. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1980 Code, § 5-210)

9-111. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1980 Code, § 5-211)

9-112. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1980 Code, § 5-212)

9-113. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the

application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1980 Code, § 5-213)

## CHAPTER 2

### CHARITABLE SOLICITORS

#### SECTION

- 9-201. Permit required.
- 9-202. Prerequisites for a permit.
- 9-203. Denial of a permit.
- 9-204. Exhibition of permit.
- 9-205. Number of permits per month.

9-201. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1980 Code, § 5-301)

9-202. Prerequisites for a permit. The recorder shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1980 Code, § 5-302)

9-203. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1980 Code, § 5-303)

9-204. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1980 Code, § 5-304)

9-205. Number of permits per month. (1) All charitable or religious solicitation permits issued shall allow no more than four (4) solicitors from the permittee to be within the streets at any one time and all solicitations shall take place at the exclusive intersection of Tigrett Street and Carmen Street within the corporate limits of the Town of Halls, and at no other locations therein.

(2) Such permits for charitable or religious organizations shall only be issued to members of an organization which has received a determination of exemption from the Internal Revenue Service under 26 U.S.C. § 501(c)(3) or (4), upon proper proof or verification of such exempt charitable or religious status being presented to the city recorder's office or the chief of police of the Town of Halls, and further shall be issued to members of the Project Graduation organization from the Halls High School, upon proper verification thereof and application thereby. (as added by Ord. #03-40, Oct. 2003, and amended by Ord. #06-55, Oct. 2006)

CHAPTER 3

TAXICABS<sup>1</sup>

SECTION

- 9-301. Taxicab franchise and privilege license required.
- 9-302. Requirements as to application and hearing.
- 9-303. Liability insurance or bond required.
- 9-304. Revocation or suspension of franchise.
- 9-305. Mechanical condition of vehicles.
- 9-306. Cleanliness of vehicles.
- 9-307. Inspection of vehicles.
- 9-308. License and permit required for drivers.
- 9-309. Qualifications for driver's permit.
- 9-310. Revocation or suspension of driver's permit.
- 9-311. Drivers not to solicit business.
- 9-312. Parking restricted.
- 9-313. Drivers to use direct routes.
- 9-314. Taxicabs not to be used for illegal purposes.
- 9-315. Miscellaneous prohibited conduct by drivers.
- 9-316. Transportation of more than one passenger at the same time.

9-301. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1980 Code, § 5-401)

9-302. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of mayor and aldermen; and make

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

a recommendation to either grant or refuse a franchise to the applicant. The board of mayor and aldermen shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the board of mayor and aldermen shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1980 Code, § 5-402)

9-303. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in the amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1980 Code, § 5-403)

9-304. Revocation or suspension of franchise. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1980 Code, § 5-404)

9-305. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the municipality unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of the state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1980 Code, § 5-405)

9-306. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1980 Code, § 5-406)

9-307. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1980 Code, § 5-407)

9-308. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1980 Code, § 5-408)

9-309. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1980 Code, § 5-409)

9-310. Revocation or suspension of driver's permit. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-309. (1980 Code, § 5-410)

9-311. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1980 Code, § 5-411)

9-312. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging

passengers if such stops are made in such manner as not to interfere unreasonably with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1980 Code, § 5-412)

9-313. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1980 Code, § 5-413)

9-314. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1980 Code, § 5-414)

9-315. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to blow the automobile horn unnecessarily; or otherwise to disturb unreasonably the peace, quiet and tranquility of the municipality in any way. (1980 Code, § 5-415)

9-316. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1980 Code, § 5-416)



CHAPTER 4

POOL ROOMS<sup>1</sup>

SECTION

9-401. Hours of operation regulated.

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

9-401. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1980 Code, § 5-501)

9-402. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1980 Code, § 5-502)

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

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

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

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. of August 6, 1979; and Ord. #00-16, December 14, 2000, and any amendments, in the office of the recorder.

CHAPTER 6

PERSONAL PROPERTY SALES IN RESIDENTIAL  
ZONING DISTRICT

SECTION

- 9-601. Intent and purpose.
- 9-602. Permit required.
- 9-603. Term of permit.
- 9-604. Application for permit.
- 9-605. Permit fee.
- 9-606. Exceptions.
- 9-607. Conditions to be met.
- 9-608. Right of access for inspection.
- 9-609. Effective date.

9-601. Intent and purpose. It is the intent of these regulations to prohibit infringement of any businesses in any established residential areas and in so doing to regulate garage sales, porch sales and other similar sales, so as to not disturb the residential environment of the area.

It is not the intent of this chapter to seek control of sales by individuals selling a few of their household or personal items. (as added by Ord. #01-23, Nov. 2001)

9-602. Permit required. It shall be unlawful for any person desirous of holding a personal property sale (such as, but not limited to garage sale, porch sale, rummage sale, or similar sales), of clothing or any personal property items to hold such a sale without first obtaining a permit from city hall. (as added by Ord. #01-23, Nov. 2001)

9-603. Term of permit. Any such permit issued shall be for a term not exceeding two (2) consecutive calendar days.

Permits shall be limited to two (2) days per calendar month, per residential dwelling. (as added by Ord. #01-23, Nov. 2001)

9-604. Application for permit. Applications for permits shall be made at city hall and shall have the following:

- (3) Name of the property owner.
- (4) Phone number.
- (5) Address of the proposed site.
- (6) Expected date and expiration date of the garage sale, yard sale, rummage sale, porch sale, or other similar sale.
- (7) The date or dates of any personal property sales within the current calendar year. (as added by Ord. #01-23, Nov. 2001)

9-605. Permit fee. The permit fee for each sale shall be \$5.00 per sale. (as added by Ord. #01-23, Nov. 2001)

9-606. Exceptions. (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

(2) Persons who are acting in accordance with their powers and duties as public officials.

(3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed four (4) in number.

(4) Any bona fide charitable, eleemosynary, educational, cultural, agricultural or governmental institution or organization, provided, however, that the burden of establishing the exemption shall be on the organization or institution claiming such exemption.

(5) Any person(s) selling items within a commercial district with a business or peddlers license. (as added by Ord. #01-23, Nov. 2001)

9-607. Conditions to be met. The permit shall be available for viewing by the public and town inspector during the length of the sale. (as added by Ord. #01-23, Nov. 2001)

9-608. Right of access for inspections. Violations of this chapter are a Class C Misdemeanor. Town of Halls police officers and enforcement shall have the right to request to review permits for the purpose of enforcement or inspection and may close the premises from sales and charge any person who violates the provisions of the chapter with a Class C Misdemeanor. (as added by Ord. #01-23, Nov. 2001)

9-609. Effective date. This chapter shall take effect January 1, 2001, after its final passage, the public welfare requiring it. (as added by Ord. #01-23, Nov. 2001)

## CHAPTER 7

### SEXUALLY ORIENTED BUSINESS REGULATIONS

#### SECTION

- 9-701. Purpose and intent.
- 9-702. Definitions.
- 9-703. Establishment and classification of businesses regulated.
- 9-704. Measurement of distance.
- 9-705. Location of sexually oriented businesses.
- 9-706. Regulations governing existing sexually oriented businesses.
- 9-707. Injunction.
- 9-708. Sexually oriented business permit; purpose and intent.
- 9-709. Permit required.
- 9-710. Investigation and application.
- 9-711. Issuance of permit.
- 9-712. Annual permit fee.
- 9-713. Inspection.
- 9-714. Expiration of permit.
- 9-715. Suspension of permit.
- 9-716. Revocation of permit.
- 9-717. Judicial review of permit denial, suspension or revocation.
- 9-718. Transfer of permit.
- 9-719. Sexually oriented business employee license.
- 9-720. Regulations pertaining to exhibition of sexually explicit films or videos in video booths.
- 9-721. Prohibitions regarding minors and sexually oriented businesses.
- 9-722. Advertising and lighting regulations.
- 9-723. Hours of operation.
- 9-724. Nudity at sexually oriented businesses prohibited.
- 9-725. Regulations pertaining to live entertainment.
- 9-726. Additional criminal prohibitions for the operation of a sexually oriented business without a valid permit.
- 9-727. Exemptions.
- 9-728. Criminal penalties and additional legal, equitable, and injunctive relief.
- 9-729. Immunity from prosecution.
- 9-730. Prohibition of distribution of sexual devices.

9-701. Purpose and intent. It is the purpose and intent of this chapter to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the town and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the town, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The

provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the chapter to condone or legitimize the distribution of obscene materials. (as added by Ord. #02-28, June 2002)

9-702. Definitions. For the purposes of this division, certain terms and words are defined as follows:

(1) "Sexually oriented businesses" are those businesses defined as follows:

(a) "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(b) "Adult bookstore," "adult novelty store" or "adult video store" means a commercial establishment which has any of its stock-in-trade or derives any of its revenues or devotes any of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:

(i) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;"

(c) "Adult cabaret" means a nightclub, bar, restaurant "bottle club" or similar commercial establishment, whether or not alcoholic beverages are served which regularly features:

(i) Persons who appear nude or in a state of nudity;

(ii) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or

(iii) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(d) "Adult motel" means a motel, hotel or similar commercial establishment which:

(i) Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type or material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or

(ii) Offers a sleeping room for rent for a period of time less than ten (10) hours; or

(iii) Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

(e) "Adult motion picture theatre" means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

(f) "Adult theatre" means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

(g) "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(h) "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(i) "Massage parlor" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation's, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities," or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented businesses shall not include the proactive of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any

amateur, semiprofessional or professional athlete or athletic team or school athletic program.

(j) "Nude model studio" means any place where a person, who regularly appears in a state of nudity is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

(k) "Sexual encounter establishment" means a business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

(2) "Employee" means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

(3) "Establishment" means and includes any of the following:

(a) The opening or commencement of any such business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;

(c) The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business.

(4) "Nudity or state of nudity" means:

(a) The appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or

(b) A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

(5) "Operator" means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises;

(6) "Permitted or licensed premises" means any premises that requires a license and/or permit and that is classified as a sexually oriented business.

(7) "Permittee and/or licensee" means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

(8) "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.



(9) "Public building" means any building owned, leased or held by the United States, the state, the county, the town, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.

(10) "Public park" or "recreation area" means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the town which is under the control, operation, or management of the town park and recreation authorities.

(11) "Religious institution" means any church, synagogue, mosque, temple or building which is used primarily of religious worship and related religious activities.

(12) "Residential district or use" means a single family, duplex, townhouse, multiple family, or mobile park or subdivision and campgrounds defined in the and/or Halls Zoning Ordinances.

(13) "School" means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

(14) "Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(15) "Sexually oriented business" means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, massage parlor, sexual encounter establishment, escort agency or nude model studio.

(16) "Specified anatomical areas," as used in this division means and includes any of the following:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(17) "Specified sexual activities" as used in this division, means and includes any of the following:

(a) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(c) Masturbation, actual or simulated; or

(d) Human genitals in a state of sexual stimulation, arousal or tumescence;

(e) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (a) through (d) of this subsection.

(18) "Substantial enlargement of a sexually oriented business" means increase in the floor areas occupied by the business by more than 15% as the floor areas exist on date chapter becomes effective.

(19) "Transfer of ownership or control of a sexually oriented business" means and includes any of the following:

(a) The sale, lease or sublease of the business;

(b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;

(c) The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by request or other operation of law upon the death of a person possessing the ownership or control. (as added by Ord. #02-28, June 2002)

9-703. Establishment and classification of businesses regulated.

(1) The establishment of a sexually oriented business shall be permitted only in the areas available as established by the following restrictions and shall be subject to the following restrictions. No person shall cause or permit the establishment of any of the following sexually oriented businesses, as defined above, within 1200 feet of another such business or within 1200 feet of any religious institution, school, boys' club, girls' club, or similar existing youth organization, or public park or public building, or within 1200 feet of any property zoned for residential use or used for residential purposes and are classified as follows:

(a) Adult arcade

(b) Adult bookstore, adult novelty store or adult video store

(c) Adult cabaret

(d) Adult motel

(e) Adult motion picture theater

(f) Adult theater

(g) Massage parlor

(h) Sexual encounter establishment

(i) Escort agency, or

(j) Nude model studio

(as added by Ord. #02-28, June 2002)

9-704. Measurement of distance. As regarding § 9-703 (1), distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any sexually oriented

business and any religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes shall also be measured in a straight line, without regard to intervening structures or objects from the nearest point of the property line of the premises where the sexually oriented business is conducted, to the nearest point of the property line of the premises of a religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes. (as added by Ord. #02-28, June 2002)

9-705. Location of sexually oriented businesses. The Town of Halls' Zoning Ordinance requires that sexually oriented businesses shall be permitted only as provided in § 9-703 in which such use is permissible only under specified conditions and only within such districts where sexually oriented businesses are specifically listed as permissible. Permits for sexually oriented businesses shall be required and governed by the procedures and policies specified in § 9-708 et seq. of this division. In addition, any sexually oriented business shall be subjected to the following restrictions;

(1) A person commits a misdemeanor, if he operates or causes to be operated a sexually oriented business except as provided in § 9-703.

(2) A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 1200 feet of:

- (i) Any religious institution;
- (ii) Any school;
- (iii) The boundary of any residential district;
- (iv) A public park adjacent to any residential district;
- (v) A property line of a lot devoted to residential use; or
- (vi) A boys club, girls club, or similar existing youth organization.

(3) A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 1200 feet of another such business, which will include, any adult arcade, adult book store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or any sexual encounter establishment.

(4) A person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business within the same building.

(5) It is a defense to prosecution under this section if a person appearing in a state of nudity did so in a modeling class operated:

- (a) By a proprietary school, licensed by the State of Tennessee; a college, junior college, or university supported entirely or partly by taxation;

(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(c) In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(ii) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

(iii) Where no more than one nude model is on the premises at any one time. (as added by Ord. #02-28, June 2002)

9-706. Regulations governing existing sexually oriented businesses. (1) A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of a sexually oriented business permit and/or license, of a church, public or private elementary or secondary school, public park, public building, residential district, or residential lot within 1200 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license and does not apply when an application for a permit and/or license is submitted after a permit and

(2) Any establishment subject to the provision of this section shall apply for the permit provided for by § 9-710 within thirty (30) days of the effective date of this chapter. Any establishment, existing prior to the effective date of this chapter, shall comply with the regulations pertaining to §§ 9-720, 9-722, and 9-730, within sixty (60) days of the effective date of this chapter, and all other applicable permit regulations within 30 days of the effective date of this chapter. (as added by Ord. #02-28, June 2002)

9-707. Injunction. A person who operates or causes to be operated a sexually oriented business without having a valid permit due to location restrictions is subject to a suit for injunction as well as prosecution for the criminal violation. Such violation shall be punishable by a fine of up to \$500.00 for each calendar day of the violation, and if an injunction must be sought, attorney's fees and costs will be assessed at the discretion of the court against the sexually oriented business. (as added by Ord. #02-28, June 2002)

9-708. Sexually oriented business permit; purpose and intent. It is the purpose of this chapter to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent deleterious effects of sexually oriented businesses within the town. The provisions of this chapter have neither the purpose nor effect of imposing a

limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this chapter to in any way condone or legitimize the distribution of obscene or harmful to minors material. (as added by Ord. #02-28, June 2002)

9-709. Permit required. (1) No sexually oriented business shall be permitted to operate without a valid sexually oriented business permit issued by the town for the particular type of business. It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business without said permit.

(2) The Mayor of the Town of Halls and the board of aldermen is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually oriented business permits for proposed or existing sexually oriented businesses. The Mayor of the Town of Halls or his/her designee is also responsible for ascertaining whether a proposed sexually oriented business for which a permit is being applied for complies with all location requirements of §§ 9-703, 9-705, and 9-706 of this chapter, all applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of this chapter in the town and the town comprehensive plan.

(3) The Halls Police Department is responsible for providing information on whether an applicant has been convicted of a specified criminal act during the time period set forth.

(4) The town's code enforcement office is responsible for inspecting a proposed, permitted or non-permitted sexually oriented business in order to ascertain whether it is in compliance with applicable statutes and ordinances.

(5) An application for a permit must be made on a form provided by the town. Any person desiring to operate a sexually oriented business shall file with the town an original and two copies of a sworn permit application on the standard application form supplied by the town or designee.

(6) The completed application shall contain the following information and shall be accompanied by the following documents:

(a) If the applicant is:

(i) An individual, the individual shall state his/her legal name and any aliases and submit satisfactory proof that he/she is eighteen years of age.

(ii) A partnership, the partnership shall state its complete name, and the name of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;

(iii) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of Tennessee the names and capatown of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

(b) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he must state

(i) The sexually oriented business' fictitious name and

(ii) Submit the required Tennessee registration documents.

(c) Whether the applicant or any of the other individuals listed pursuant to § 9-709 of this chapter has, within the two (2) or five (5) year period as specified in § 9-711 immediately preceding the date of the application, been convicted of a specified criminal act, and if so, the specified criminal act involved, the date of conviction and the place of conviction.

(d) Whether the applicant or any of the other individuals pursuant to § 9-709 and or licenses of this chapter has had a previous permit under ordinance or other similar sexually oriented business ordinances from another town or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or any other individuals listed pursuant to § 9-709 has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is permitted under this chapter whose permit has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(e) Whether the applicant or any other individual listed pursuant to § 9-709 held any other permits and/or licenses under this chapter or other similar sexually oriented business ordinance from another town or county and, if so, the names and locations of such other permitted businesses.

(f) The single classification of permit for which the applicant is filing.

(g) The location of the proposed sexually oriented business, including a legal description of the property, street, address and telephone number(s), if any.

(h) The applicant's mailing addresses and residential address.

(i) A recent photograph of the applicant(s).

(j) The applicant's driver's permit number, social security number, and or his/her state or federally issued tax identification number.

(k) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(l) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a Tennessee registered land surveyor depicting the property lines and the structures containing any established existing uses regulated by this chapter within 1200 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park and recreation area within 1200 feet of the property to be certified; and the property lines of any residentially zoned area or residential property within 1200 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

(m) If a person who wishes to operate a sexually oriented business is an individual, he/she must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit as applicant.

(n) If a person wishes to operate a sexually oriented business which shall exhibit on the premises films, video cassettes, or other video reproductions which depict specified sexual activities or specified anatomical areas, then said person shall comply with the application requirements stated at § 9-720 et seq.

(7) Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Mayor of the Town of Halls or his/her designee, shall be grounds for suspension of a permit.

(8) In the event that the Mayor of the Town of Halls or his/her designee determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business, he/she shall

promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. (The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.)

(9) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with health, fire and building codes and laws.

(10) The applicant shall be required to pay a non-refundable application fee of one hundred dollars (\$100.00) at the time of filing an application under this section of this chapter.

(11) Prior to obtaining any permit or license to operate any sexually oriented business defined in this chapter, and as part of any application for a permit under this section, the applicant shall obtain from the town or its designee a certification that the proposed location of such business complies with the location requirements of §§ 9-705 and 9-706 of this chapter.

(12) The fact that a person possesses other types of state or town permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented business permit.

(13) By applying for a permit under this chapter, the applicant shall be deemed to have consented to the provisions of this chapter and to the exercise by the Mayor of the Town of Halls or his/her designee, the Halls Police Department and all other town agencies charged with enforcing the laws, ordinances and codes applicable in the town of their respective responsibilities under this chapter.

(14) The applicant shall be required to provide the town with the names of any and all employees who are required to be licensed pursuant to § 9-719 of this chapter. This shall be a continuing requirement even after a permit is granted or renewed. (as added by Ord. #02-28, June 2002)

9-710. Investigation and application. (1) Upon receipt of an application properly filed with the town and upon payment of nonrefundable application fee, the town or its designee, shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the Halls Police Department and any other town agencies responsible for enforcement of health, fire and building codes and laws. Each department or agency shall promptly conduct an investigation of the applicant, application and the proposed sexually oriented business in accordance with its responsibilities under law and as set forth in this chapter. Said investigation shall be completed within twenty (20) days of receipt of the application by the town or its designee. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and, in the event it disapproved, state the reasons therefor. The Halls Police Department shall only be required to certify the



NCIC records request check mentioned at § 9-711. The Halls Police Department shall not be required to approve or disapprove applications.

(2) A department or agency shall disapprove an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the town. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the town or its designee. (as added by Ord. #02-28, June 2002)

9-711. Issuance or permit. (1) The Mayor of the Town of Halls or his/her designee, shall grant or deny an application for a permit within thirty (30) days from the date of its proper filing. Upon the expiration of the thirtieth (30) day, unless the applicant requests and is granted a reasonable extension of time, the applicant shall be permitted to begin operating the business for which the permit is sought, unless and until the town or its designee, notifies the applicant of a denial of the application and states the reason(s) for that denial.

(2) Grant of application for permit. (a) The Mayor of the City of Halls or his/her designee shall grant the application unless one or more of the criteria set forth in subsection (3) below is present.

(b) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall also indicate that the sexually oriented business, whether permitted or not, may be subject to prohibitions against public nudity and indecency pursuant to the United States Supreme Court decision in *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991). The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it can be read easily at any time.

(3) Denial of application for permit. (a) The Mayor of the City of Halls or his/her designee, shall deny the application for any of the following reasons:

(i) An applicant is under eighteen years of age.

(ii) An applicant or an applicant's spouse is overdue on his/her payment to the city of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.

(iii) An applicant is residing with a person who has been denied a permit by the city to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose permit to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

(iv) An applicant has failed to provide information required by this section or permit application for the issuance of

the permit or has falsely answered a question or request for information on the application form.

(v) The premises to be used for the sexually oriented business have not been previously for such a use.

(vi) The application or permit fees required by this chapter have not been paid.

(vii) An applicant of the proposed business is in violation of, or is not in compliance with, any of the provisions of this chapter including but not limited to the zoning location requirements for a sexually oriented business under §§ 9-703, 9-705, and 9-706.

(viii) The granting of the application would violate a statute, ordinance, or court order.

(ix) The applicant has a permit under this chapter which has been suspended or revoked.

(x) An applicant has been convicted of a "specified criminal" act for which:

(A) Since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the "specified criminal" acts which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations;

(B) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense; for the "specified criminal" acts which are sexual crimes against children sexual abuse, rape or crimes connected with another sexually oriented business including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations;

(C) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two or more misdemeanor offenses for "specified criminal" acts which are sexual crimes against children sexual abuse, rape or crimes connected with another sexually oriented business including but not limited to distribution of obscenity or materials harmful to minors, prostitution, pandering or tax violations; offenses occurring within any twenty-four month period;

(D) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;

(E) An applicant who has been convicted of the above described "specified criminal acts" may qualify for a sexually oriented business permit only when the time period required above in § 9-711(3)(a)(x) has elapsed.

(xi) An applicant knowingly has in his or her employ, an employee who does not have a valid license as required in § 9-719 of this chapter.

(b) If the Mayor of the Town of Halls or his/her designee, denies the application, he/she shall notify the applicant of the denial and state the reason(s) for the denial.

(c) If a person applies for a permit for a particular location within a period of twelve (12) months from the date of denial of a previous application for a permit at the location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied. (as added by Ord. #02-28, June 2002)

9-712. Annual permit fee. The annual fee for a sexually oriented business permit is eight hundred fifty dollars (\$850.00). (as added by Ord. #02-28, June 2002)

9-713. Inspection. (1) An applicant or permittee shall permit representatives of the code enforcement office, the county health department, and the fire department to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

(2) It shall be unlawful and a person who operates a sexually oriented business, regardless of whether or not a permit has been issued for said business under this chapter, or his/her agent or employee commits a misdemeanor if he/she refuses to permit such lawful inspection of the premises at any time that it is occupied or open for business. (as added by Ord. #02-28, June 2002)

9-714. Expiration of permit. (1) Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in § 9-711 (for renewals, filing of original survey shall be sufficient) of this chapter. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected.

(2) When the Mayor of the Town of Halls or his/her designee, denies renewal of the permit, applicant shall not be issued a permit under this chapter for one (1) year from the date of denial. If, subsequent to denial, the town or its

designee, finds that the basis for denial of the renewal of the permit has been corrected, the applicant shall be granted a permit if it at least ninety (90) days have elapsed since the date denial became final. (as added by Ord. #02-28, June 2002)

9-715. Suspension of permit. (1) The Mayor of the Town of Halls or his/her designee, shall suspend a permit for a period not to exceed thirty (30) days if he/she determines that a permittee, or an employee of a permittee, has:

(a) Violated or is not in compliance with any section of this chapter; or

(b) Been under the influence of alcoholic beverages while working in the sexually oriented business premises; or

(c) Refused to allow an inspection of sexually oriented business premises as authorized by this chapter; or

(d) Knowingly permitted gambling by any person on the sexually promoted business premises; or

(e) Operated the sexually oriented business in violation of a building, fire, health, or zoning statute, code, ordinance or regulation, whether federal, state or local, said determination being based on investigation by the division, department or agency charged with enforcing said rules or laws. In the event of such statute, code, ordinance or regulation violation, the town or its designee, shall promptly notify the permittee of the violation and shall allow the permittee a seven (7) day period in which to correct the violation. If the permittee fails to correct the violation before the expiration of the seven (7) day period, the town or its designee, shall forthwith suspend the permit and shall notify the permittee of the suspension.

(f) Engaged in permit transfer contrary to § 9-718 of this chapter. In the event that the town or its designee, suspends a permit on the ground that a permittee engaged in a permit transfer contrary to § 9-718 of this chapter, the Mayor of the Town of Halls or his/her designee shall forthwith notify the permittee of the suspension. The suspension shall remain in effect until the applicable section of this chapter has been satisfied.

(g) Operated the sexually oriented business in violation of the hours of operation § 9-723.

(h) Knowingly employs a person who does not have a valid license as required in § 9-719 of this chapter. (as added by Ord. #02-28, June 2002)

9-716. Revocation of permit. (1) The Mayor of the Town of Halls or his/her designee shall revoke a permit if a cause of suspension in § 9-715 of this chapter occurs and the permit has been suspended within the preceding twelve (12) months.

(2) The Mayor of the Town of Halls or his/her designee, shall revoke a permit upon determining that:

(a) A permittee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a permit; or

(b) A permittee or an employee has knowingly allowed possession, use or sale of controlled substances in or on the premises; or

(c) A permittee or an employee has knowingly allowed prostitution on the premises; or

(d) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended; or

(e) A permittee has been convicted of a "specified criminal act" for which the time period required in § 9-711 of this chapter has not elapsed; or

(f) On two or more occasions within a twelve (12) month period, a person or persons committed an offense, occurring in or on the permitted premises, constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect of the revocation of the permit; or

(g) A permittee is convicted of tax violations for any tax or fees related to a sexually oriented business; or

(h) A permittee has been operating more than one sexually oriented business under a single roof except as provided in § 9-703(2).

(3) When the Mayor of the Town of Halls or his/her designee, revokes a permit, the revocation shall continue for one (1) year and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date revocation became effective. (as added by Ord. #02-28, June 2002)

9-717. Judicial review of permit denial, suspension or revocation. After denial of an application, or denial or a renewal of an application, or suspension or revocation of a permit, the applicant or permittee may seek prompt review of such administrative action through the town council or special town review board if one is established by the town. If the denial, suspension or revocation is affirmed upon review, the administrative action shall be promptly reviewed by the court. (as added by Ord. #02-28, June 2002)

9-718. Transfer of permit. (1) A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application for permit.

(2) A permittee shall not transfer his/her permit to another person unless and until such other person satisfies the following requirements:

- (a) Obtains an amendment to the permit from the Mayor of the Town of Halls or his/her designee, which provides that he/she is now the permittee, which amendment may be obtained only if he/she has completed and properly filed an application with the Mayor of the Town of Halls or his/her designee, setting forth the information called for under § 9-711 of this chapter in the application; and
- (b) Pays a transfer fee of twenty percent (20%) of the annual permit fee set by this chapter.
- (3) No permit may be transferred when the Mayor of the Town of Halls of his/her designee has notified the permittee that suspension or revocation proceedings have been or will be brought against the permittee.
- (4) A permittee shall not transfer his permit to another location.
- (5) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void and the permit shall be deemed revoked. (as added by Ord. #02-28, June 2002)

9-719. Sexually oriented business employee license. (1) Each individual to be employed in a sexually oriented business, as defined in § 9-702, of this chapter, who engages in the services rendered by a semi-nude model studio, escort or escort agency, sexual encounter establishment, massage parlor, or a live performer or entertainer shall be required to obtain a sexually oriented business employee license. Each applicant shall pay a permit fee of twenty-five (25) dollars. Said fee is to cover reasonable administrative costs of the licensing application process.

(2) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the Mayor of the Town of Halls or his or her designee the following information:

- (a) The applicant's name or any other names (including "stage" names) or aliases used by the individual;
- (b) Age, date, and place of birth;
- (c) Height , weight, hair and eye color;
- (d) Present residence address and telephone number;
- (e) Present business address and telephone number;
- (f) State driver's license or identification number;
- (g) Social Security number; and
- (h) Acceptable written proof that the individual is at least eighteen (18) years of age.
- (i) Attached to the application form as provided above, a color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Halls Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.
- (j) A statement detailing the license or permit history of the applicant for the five (5) years immediately preceding the date of the

filing of the application, including whether such applicant previously operating or seeking to operate, in this or any other county, town, state, or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the date, the name of the issuing or denying jurisdiction, and describe in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

(k) Whether the applicant has been convicted of a "specified criminal" act as defined in § 9-711(3)(a)(x) of this chapter. This information shall include the date, place, nature of each conviction or plea of nolo contendere and identifying the convicting jurisdiction.

(l) The Mayor of the Town of Halls or his or her designee shall refer the sexually oriented business employee license application to the Halls Police Department for an investigation to be made of such information as is contained on the application. The application process shall be completed within ten (10) days from the date the completed application is filed. After the investigation, the Mayor of the Town of Halls or his or her designee shall issue a license unless the report from the Halls Police Department finds that one or more of the following findings is true:

(i) That the applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a license, or in any report or record required to be filed with the sheriff's department or other department of the town;

(ii) That the applicant is under eighteen (18) years of age;

(iii) That the applicant has been convicted of a "specified criminal act" as defined in § 9-711(3)(a)(x) of this chapter;

(iv) That the sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by particular provisions of this chapter;

(v) That the applicant has had a sexually oriented business employee license revoked by the town within two (2) years of the date of the current application;

(3) Renewal of license:

(a) A license granted pursuant to this section shall be subject to annual renewal by the Mayor of the Town of Halls or his or her designee upon the written application of the applicant and a finding by the Mayor of the Town of Halls or his or her designee and the Halls Police Department that the applicant has not been convicted of any "specified criminal act" as defined in § 9-711(3)(a)(x) of this chapter or committed

any act during the existence of the previous license period which would be grounds to deny the permit application.

(b) The renewal of the license shall be subject to payment of a fee as set by a resolution of the town council. (as added by Ord. #02-28, June 2002)

9-720. Regulations pertaining to exhibition of sexually explicit films or videos in video booths. (1) A person who operates or causes to be operated a sexually oriented business, other than a sexually oriented motel/hotel and a regardless of whether or not a permit has been issued to said business under this chapter, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(a) Upon application for a sexually oriented business permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area with no dimension greater than eight (8) feet. The diagram shall also designate the place at which this permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an "engineer" or "architect" blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Mayor of the Town of Halls or his/her designee, may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the town or its designee.

(d) It is the duty of the owners and operator of the premises to insure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for



any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(f) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises to insure that the view area specified in subsection (e) remains unobstructed by any doors, walls, merchandise, display racks or other materials or person at all times and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.

(g) No viewing room may be occupied by more than open person at any one time. No holes, commonly known as "glory holes," shall be allowed in the walls or partitions which separate each viewing room from an adjoining viewing room or restroom.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two (2.0) foot candle as measured at the floor level.

(i) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present on the premises.

(2) A person having a duty under § 9-720(1)(a)-(i) commits a misdemeanor if he/she knowingly fails to fulfill that duty. (as added by Ord. #02-28, June 2002)

9-721. Prohibitions regarding minors and sexually oriented businesses.

(1) A person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for said business under this chapter, and knowingly or with reasonable cause to know, permit, suffer, or allow:

(2) Admittance of a person under eighteen (18) years of age to the business premises unless accompanied by a parent or guardian. A person under eighteen (18) years of age to remain at the business premises unless accompanied by a parent or guardian;

(3) A person under eighteen (18) years of age to purchase goods or services at the business premises without the specific consent of a parent or guardian; or

(4) A person who is under eighteen (18) years of age to work at the business premises as an employee. (as added by Ord. #02-28, June 2002)

9-722. Advertising and lighting regulations. (1) It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for said business under this chapter, and advertises the presentation of any activity prohibited by any applicable state statute or local ordinance.

(2) It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for said business under this chapter, and displays or otherwise exhibits the materials and/or performances at such sexually oriented business in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.

(3) The permittee shall not allow any portion of the interior premises to be visible from outside the premises.

(4) All off-street parking areas and premises entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

(5) Nothing contained in this section of the chapter shall relieve the operator(s) of a sexually oriented business from complying with the requirements of the City of Halls, commonly known as the sexually oriented business ordinance, as it may be amended from time to time, or any subsequently enacted city ordinances or regulations. (as added by Ord. #02-28, June 2002)

9-723. Hours of operation. (1) It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for said business under this chapter, and allows such business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, or solicits a service between the hours of 12:00 A.M. and 9:00 A.M. of any particular day.

(2) It shall be unlawful and a person commits a misdemeanor if, working as an employee of a sexually oriented business, regardless of whether or not a permit has been used for said business under this chapter, said

employee engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service, or solicits a service between the hours of 12:00 A.M. and 9:00 A.M. of any particular day. (as added by Ord. #02-28, June 2002)

9-724. Nudity at sexually oriented businesses prohibited. (1) The United States Supreme Court decision in *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560, 111 (1991) which upheld the rights of cities to prohibit live public exposure of a person(s) private parts, specifically applies to sexually oriented businesses (regardless of whether or not a permit has been issued to said businesses under this chapter), including said businesses where no alcoholic beverages are sold, served, or consumed at the premises.

(2) Public nudity is prohibited within the City of Halls, including any sexually oriented business. Any sexually oriented business, which is found in violation of this section, shall have its permit suspended pursuant to the provisions of § 9-715. (as added by Ord. #02-28, June 2002)

9-725. Regulations pertaining to live entertainment. (1) For purposes of this section, "live entertainment" is defined as a person who appears nude, semi-nude, or a performance which is characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(2) No person shall perform live entertainment for patron(s) of a sexually oriented business establishment except upon a stage at least eighteen (18) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest area occupied by patron(s). No patron shall be permitted within ten (10) feet of the stage while the stage is occupied by a performer.

(3) The sexually oriented business establishment shall provide separate dressing room facilities for female and male performers which shall not be occupied or used in any way by any one other than performers.

(4) The sexually oriented business establishment shall provide access for performers between the stage and the dressing rooms which is completely separated from patrons. If such separate access is not physically feasible, the establishment shall provide a minimum four (4) foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers which prevents any physical contact between patrons and performers.

(5) No entertainer, either before, during, or after a performance, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during or after a performance. This subsection shall only apply to physical contact while in or on the premises of the establishment.

(6) Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between performers and patrons required by this section.

(7) No patron shall directly pay or give any gratuity to any entertainer. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performers for the purpose of preventing any physical contact between a patron and a performer. No performer shall solicit any gratuity from any patron.

(8) No operator of a sexually oriented business establishment shall cause or allow a performer to contract or engage in any entertainment such as a "couch" or a "straddle" dance with a patron while in or on the establishment premises. For purposes of this subsection, "couch" or "straddle" dance is defined as an employee of the establishment intentionally touching or coming within ten (10) feet of any patron while engaged in the display or exposure of any "specified anatomical area," or any "specified sexual activity." For purposes of this subsection, employee is defined as it is in § 9-702(2).

(9) Section 9-725 shall not apply to an employee of an establishment who, while acting as a waiter, waitress, host, hostess, or bar tender, comes within ten (10) feet of a patron. No employee shall engage in any "specified sexual activity" or display or expose any "specified anatomical area" while acting as a waiter, waitress, host, hostess, or bar tender.

(10) Compliance with this section. (a) For purposes of this section, establishment is defined as it is in § 9-702(3) of this chapter. No establishment shall be in compliance with this section until the town's designated agent(s) have inspected and approved of the establishment's compliance. The town shall have ten (10) days from the date it receives written notice from the operator that the establishment is ready for inspection to approve or disapprove of compliance required by this section. Failure to approve or disapprove of compliance within ten (10) days shall constitute a finding of compliance under this section.

(b) The operator of an establishment, that has been providing live entertainment under a valid sexually oriented business permit, shall the time periods listed below in which to bring the establishment into compliance with this section. Failure to do so while continuing to provide live entertainment shall cause the establishment's permit to be suspended under § 9-715 of this chapter. The permit shall remain suspended until the establishment is approved by the town's designated agent(s) as being in full compliance with this section.

(c) The operator of establishment, that has been operating under a valid permit for another classification of sexually oriented business and who wishes to provide live entertainment at that establishment, shall apply for the receive a sexually oriented business permit for the operation of an establishment providing live entertainment before any life entertainment is provided at that establishment. No live entertainment permit shall be issued until the establishment is approved as being in full compliance with this section and all other applicable requirements of this chapter.

(d) The applicant for a permit to operate a new establishment, who wishes to provide live entertainment, shall apply for and receive a sexually oriented business permit for the operation of an establishment providing live entertainment before any live entertainment is provided. No live entertainment permit shall be issued until the establishment is approved as being in full compliance with this section and all other applicable requirements of this chapter.

(e) Subsection (2): Sixty (60) days from the date this section becomes effective.

(f) Subsection (3): Ninety (90) days from the date this section becomes effective.

(g) Subsection (4): Ninety (90) days from the date this section becomes effective.

(h) Subsection (5): Upon the date this section becomes effective.

(i) Subsection (6): Sixty days (60) days from the date this section becomes effective.

(j) Subsection (7): Upon the date this section becomes effective.

(k) Subsection (8): Upon the date this section becomes effective.  
(as added by Ord. #02-28, June 2002)

9-726. Additional criminal prohibitions for the operation of a sexually oriented business without a valid permit. (1) In addition to the criminal provisions found at other sections of this chapter, the following additional criminal provision shall also apply to sexually oriented businesses.

(2) It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for said business under this chapter, and said person knows or should know that:

(a) The business does not have a sexually oriented business permit under this chapter for any applicable classification;

(b) The business has a permit which is under suspension;

(c) The business has a permit which has been revoked; or

(d) The business has a permit which has expired. (as added by Ord. #02-28, June 2002)

9-727. Exemptions. (1) It is a defense to prosecution for any violation of this chapter that a person appearing in a state of nudity did so in a modeling class operated:

(a) By a college, junior college, or university supported entirely or partly by taxation;

(b) By a private college or university which maintains and operates educational programs which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or:

(c) In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(ii) Where, in order to participate in a class a student must enroll at least three days in advance of the class; and

(iii) Where no more than one nude model is on the premises at any one time.

(2) It is a defense to prosecution for a violation of this chapter that an employee of a sexually oriented business, regardless of whether or not it is permitted under this chapter, exposed any specified anatomical area during the employee's bona fide use of a restroom, or during the employees bona fide use of a dressing room which is accessible only to employees. (as added by Ord. #02-28, June 2002)

9-728. Criminal penalties and additional legal, equitable, and injunctive relief. (1) In addition to whatever penalties are applicable under the Tennessee Penal Code, if any person fails or refuses to obey or comply with or violates any of the criminal provisions of this chapter, such person upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each violation or non-compliance shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance shall be considered as a separate offense..

(2) Nothing herein contained shall prevent or restrict the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

(3) Further, nothing in this section shall be construed to prohibit the town from prosecuting any violation of this chapter by means of a code enforcement board established pursuant to the authority as provided by the laws of Tennessee.

(4) All remedies and penalties provided for in this section shall be cumulative and independently available to the town and the town shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law. (as added by Ord. #02-28, June 2002)

9-729. Immunity from prosecution. The city and its designee, the Halls Police Department and all other departments and agencies, and all other city officers, agents and employees, charged with enforcement of state and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a sexually oriented business while acting within the scope of authority conferred by this chapter. (as added by Ord. #02-28, June 2002)

9-730. Prohibition of distribution of sexual devices. (1) It is unlawful for anyone to distribute, for commercial purposes, sell or offer for sale any device, instrument or paraphernalia designed or marketed primarily for stimulation of human genital organs or for sado-masochistic use and abuse of themselves or others.

(2) Such devices, instruments or paraphernalia include but are not limited to: phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body piercing implements (excluding earrings or other decorative jewelry) and other tools of sado-masochistic abuse.

(3) A violation of this section is a misdemeanor punishable by a fine of up to five hundred dollars (\$500). (as added by Ord. #02-28, June 2002)

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

1. IN GENERAL.
2. DOGS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1980 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1980 Code, § 3-102)

**10-103. Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1980 Code, § 3-103)

**10-104. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water,



shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1980 Code, § 3-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1980 Code, § 3-105)

**10-106. Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1980 Code, § 3-106)

**10-107. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall 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. (1980 Code, § 3-107)

**10-108. Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1980 Code, § 3-108)

## CHAPTER 2

### DOGS

#### SECTION

10-201. Rabies vaccination and registration required.

10-202. Dogs to wear tags.

10-203. Running at large prohibited.

10-204. Vicious dogs.

10-205. Noisy dogs prohibited.

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

10-207. Seizure and disposition of dogs.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1980 Code, § 3-201)

**10-202. Dogs to wear tags.** It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1980 Code, § 3-202)

**10-203. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1980 Code, § 3-203)

**10-204. Vicious dogs.** (1) Definition of terms. As used in this section:

(a) "Owner" means any person, firm, corporation, organization or department having legal ownership of, possessing, harboring, or having the care or custody of a dog. "Own" means to have legal ownership of, possess, harbor, or have the care or custody of a dog.

(b) "Vicious dog" means: (i) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(ii) Any dog with a propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or;

(iii) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or

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<sup>1</sup>State law reference

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

death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or

(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

(v) Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier so as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier; or

(vi) Any Doberman Pinscher, which shall be defined as any Doberman Pinscher breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Doberman Pinscher so as to be identifiable as partially of the breed of Doberman Pinscher; or

(vii) Any Rottweiler, which shall be defined as any Rottweiler breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Rottweiler so as to be identifiable as partially of the breed of Rottweiler

(c) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. The pen or structure must either (i) have a bottom secured to the sides or (ii) the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(2) Confinement. The owner or custodian of a vicious dog shall not suffer or permit the dog to go unconfined.

(3) Exceptions to confinement. A vicious dog may be unconfined for the following purposes:

(a) Transporting the dog to or from a state-licensed veterinary office;

(b) Transporting the dog to or from a state-licensed kennel for the lodging or breeding of dogs; or

(c) Transporting the dog to the location of a purchaser of the dog.

When exercising these exceptions, the owner of a vicious dog shall not suffer or permit the dog to become unconfined unless the leash and muzzle provisions of subsection (4) below have been fully met.

(4) Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of an adult person whose weight is equal to or greater than said dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall be sufficient to prevent the dog from biting any human or animal.

(5) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign shall be posted on the pen or kennel of the animal.

(6) Dog fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(7) Insurance. The owner of a vicious dog must have (and when applying for a permit must supply proof of) public liability insurance in the minimum amount of fifty thousand dollars (\$50,000.00) per person and one hundred thousand dollars (\$100,000.00) per occurrence insuring the owner for any personal injuries inflicted by the vicious dog.

(8) Permit required. No person shall own or maintain any vicious dog within the Town of Halls, Tennessee until he or she shall receive a permit to do so from the city recorder. The city recorder shall issue such permit to any applicant:

(a) Whose premises for keeping the vicious dog comply with the requirements of this section. Compliance with the requirements of this section shall be determined by the Code Enforcement Officer of the Town of Halls; and,

(b) Who meets the insurance requirements of subsection (7) above.

(c) Who has otherwise exhibited compliance with the other provisions of this section.

Any permit may be revoked by the city recorder or by the code enforcement officer for failure to comply with any requirement of this section. However, notice of revocation shall be made in writing by the revoking officer and shall be served upon the holder of the permit by certified mail or hand delivery. The holder of the permit shall have a right to appeal the revocation to the board of mayor and aldermen; appeal shall be taken by delivering a written notice of appeal of the revocation to the city recorder within five (5) days of receipt of the revocation by the holder of the permit.

(9) City property. The owner or custodian of a vicious dog shall not suffer or permit the dog to be upon city-owned property for any purpose, except upon the city roads for purposes described

in subsection three (3) above.

(10) Existing ownership(s) of vicious dogs. Any owner or custodian of a vicious dog in existence at the time this section becomes effective shall have thirty (30) days in which to obtain a permit and bring his/her premises into compliance with this section.

(11) Penalty. Any owner or custodian of a vicious dog in violation of any provision of this section shall be guilty of a misdemeanor for each violation and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) for each offense. Each day that a violation continues shall constitute a separate offense.

(12) Seizure and destruction. In addition to any other action taken under this section regarding a vicious dog, any vicious dog that is unconfined or is otherwise owned in violation of this section shall be seized and destroyed under the provisions of § 10-207 of this chapter; provided, however, that the owner of a vicious dog that is unconfined or is otherwise owned in violation of this ordinance shall have no right to redeem the vicious dog under the provisions of § 10-207. (1980 Code, § 3-204, as replaced by Ord. #07-11, Oct. 2007)

**10-205. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1980 Code, § 3-205)

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1980 Code, § 3-206)

**10-207. Seizure and disposition of dogs.** Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.<sup>1</sup> (1980 Code, § 3-207)

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<sup>1</sup>State law reference

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

## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

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

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1980 Code, § 10-229)

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

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

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1980 Code, § 10-234, modified)



**CHAPTER 3**

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-301. Assault and battery.

**11-301. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1980 Code, § 10-201)

## CHAPTER 4

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

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

**11-401. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1980 Code, § 10-202)

**11-402. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Municipal vehicles. Any vehicle of the municipality 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 municipality, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1980 Code, § 10-233)

## CHAPTER 5

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

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

**11-501. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality 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. (1980 Code, § 10-209)

**11-502. Impersonating a government officer or employee.** No person other than an official police officer of the municipality 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 municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1980 Code, § 10-211)

**11-503. False emergency alarms.** It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1980 Code, § 10-217)

**11-504. Resisting or interfering with city personnel.** It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1980 Code, § 10-210)

**11-505. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1980 Code, § 10-230)

**CHAPTER 6****FIREARMS, WEAPONS AND MISSILES****SECTION**

- 11-601. Air rifles, etc.
- 11-602. Throwing missiles.
- 11-603. Discharge of firearms.

**11-601. Air rifles, etc.** It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1980 Code, § 10-213)

**11-602. Throwing missiles.** It shall be unlawful for any person to throw maliciously any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1980 Code, § 10-214)

**11-603. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1980 Code, § 10-212, modified)

## CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE  
WITH TRAFFIC

## SECTION

- 11-701. Trespassing.
- 11-702. Trespassing on trains.
- 11-703. Malicious mischief.
- 11-704. Interference with traffic.

**11-701. Trespassing.** The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1980 Code, § 10-226)

**11-702. Trespassing on trains.** It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1980 Code, § 10-221)

**11-703. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1980 Code, § 10-225)

**11-704. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1980 Code, § 10-232)

## CHAPTER 8

MISCELLANEOUS

## SECTION

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew.
- 11-805. Wearing masks.
- 11-806. Fire hydrants.

**11-801. Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1980 Code, § 10-223)

**11-802. Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1980 Code, § 10-231)

**11-803. Posting notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1980 Code, § 10-227)

**11-804. Curfew.** (1) It is unlawful for any person below the age of eighteen (18) years to unnecessarily walk, run, loiter, stand or motor upon any alley, street, highway, public property or vacant premises within the corporate limits between the hours of 10:00 o'clock P.M. and 4:00 o'clock A.M.

(2) It is unlawful for any person eighteen (18) years of age or over to unnecessarily walk, run, loiter, stand or motor upon any alley, street, highway, public property or vacant premises within the corporate limits between the hours of 12:00 o'clock P.M. and 4:00 o'clock A.M. (1980 Code, § 10-224)

**11-805. Wearing masks.** It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.



(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the recorder to wear a traditional holiday costume. (1980 Code, § 10-235)

**11-806. Fire hydrants.** Turning on a fire hydrant illegally is a civil offense punishable by the general penalty clause of this municipal code of ordinances. (Ord. of Sept. 6, 1988)

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

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

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

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.
- 12-105. Manufactured house foundations and crawl spaces.

**12-101. Building code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code<sup>2</sup>, 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1980 Code, § 4-101, modified)

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

**12-102. Modifications.** Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. The recommended schedule of permit fees set forth in Appendix "B" of the building code is amended so that the fees to be collected shall be exactly one-half of the sums therein recommended. Provided, however, that the minimum fee for an inspection shall be \$5.00. Section 107 of the building code is hereby deleted. (1980 Code, § 4-102)

**12-103. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-103, modified)

**12-104. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1980 Code, § 4-104)

**12-105. Manufactured house foundations and crawl spaces.** Manufactured house foundations and crawl spaces shall conform to the following:

1804.6.2 - Openings

1804.6.2.1 Ventilation - Crawl spaces under buildings without basements shall be ventilated by approved mechanical means or by openings in foundation walls. Openings shall be arranged to provide cross ventilation and shall be covered with corrosion-resistant wire mesh of not less than ¼ inch (6.4 mm) nor more than ½ inch (12.7 mm) in any dimension. Openings in foundation walls shall not be less than the following:

1. Where wood floor systems are used, such openings shall have a net area of not less than 1 sq. ft. (0.093 m) for each 150 sq. ft. (14 m) of crawl space.
2. Where other than wood floor systems are used, such openings shall be not less than 1 1/1 sq. ft. (0.14 m) of net opening for each 15 linear feet (4572 mm) or major fraction thereof of exterior wall.
3. Where asphalt saturated felt weighing 55lb (2.7 kg/m) per square, lapped at least 2 inches (51 mm) at joints, or 4 mil (0.0102 mm) polyethylene lapped at least 4 inches (102 mm) at joints, or other approved vapor retarder is

installed over the ground surface, the required net area of openings may be reduced to 10% of that required above. There shall be one ventilation opening within 3 ft. (914 mm) of each corner, and these shall be of equal size totaling a minimum of 50% of required openings.

4. An operable vent louver shall be permitted only where an approved vapor barrier is installed over the ground surface.

5. Where combustion equipment is installed within a crawl space, air for combustion shall be provided in accordance with 705.1.1.4, 2810, and Chapter 7 of the Standard Mechanical Code.

1804.6.2 Access - Usable crawl spaces under buildings without basements shall be provided a minimum of one access opening not less than 18 x 24 inches (457 x 610 mm). Access openings shall be readily accessible and provided with a door or device that may be easily removed or operated. For access to mechanical equipment installed in underfloor areas see Section 304.5 of the Standard Mechanical Code. (as added by Ord. #98-9, Nov. 1998)

## CHAPTER 2

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

#### SECTION

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

**12-201. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,<sup>2</sup> 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1980 Code, § 4-201, modified)

**12-202. Modifications.** Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (1980 Code, § 4-202)

**12-203. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-203, modified)

**12-204. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1980 Code, § 4-204)

## CHAPTER 3

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

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#### SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.
- 12-306. Fees.

**12-301. Electrical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,<sup>2</sup> 1996 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1980 Code, § 4-301, modified)

**12-302. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-302, modified)

**12-303. Permit required for doing electrical work.** No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1980 Code, § 4-303)

**12-304. Violations.** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1980 Code, § 4-304)

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<sup>1</sup>Municipal code references

Fire protection, fireworks and explosives: title 7.

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

**12-305. Enforcement.** The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1980 Code, § 4-305)

**12-306. Fees.** The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1980 Code, § 4-306)



**CHAPTER 4****GAS CODE<sup>1</sup>****SECTION**

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

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

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

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the board of mayor and aldermen.

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

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

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1980 Code, § 4-401)

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

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,<sup>1</sup> 1994 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the recorder for the use and inspection of the public. (1980 Code, § 4-402, modified)

**12-403. Use of existing piping and appliances.** Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1980 Code, § 4-403)

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

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

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

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

conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1980 Code, § 4-404)

**12-405. Gas inspector and assistants.** To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of mayor and aldermen. (1980 Code, § 4-405)

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

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1980 Code, § 4-406)

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

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

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

extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1980 Code, § 4-407)

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

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1980 Code, § 4-408)

**12-409. Certificates.** The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1980 Code, § 4-409)

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

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

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

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

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1980 Code, § 4-410)

**12-411. Violations and penalties.** Section 107 of the gas code is hereby deleted. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1980 Code, § 4-411)

**12-412. Nonliability.** This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1980 Code, § 4-412)

**CHAPTER 5**  
**HOUSING CODE**

**SECTION**

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

**12-501. Housing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,<sup>1</sup> 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1980 Code, § 4-501, modified)

**12-502. Modifications.** Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen. Section 108 of the housing code is deleted. (1980 Code, § 4-502)

**12-503. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-503, modified)

**12-504. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1980 Code, § 4-504)

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

## CHAPTER 6

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

#### SECTION

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

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

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

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

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<sup>1</sup>State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

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

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



Change 2, December 2, 2002

## TITLE 13

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

#### CHAPTER

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

#### CHAPTER 1

### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Accumulation and storage of furniture and construction waste on any porch, lawn, parking lot, driveway or public right-of-way.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1980 Code, § 8-101)

**13-102. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1980 Code, § 8-105)

**13-103. Stagnant water.** It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1980 Code, § 8-106)

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

Change 2, December 2, 2002

**13-104. Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1980 Code, § 8-107)

**13-105. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1980 Code, § 8-108)

**13-106. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1980 Code, § 8-109)

**13-107. House trailers.** It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1980 Code, § 8-104)

**13-108. Accumulation and storage of furniture and construction waste on any porch, lawn, parking lot, driveway or public right-of-way.**

1. It shall be unlawful for any person to permit any furniture or other household goods, including sofas, divans, recliners, refrigerators, ranges, washing machines, clothes dryers, and similar objects, which are not designed for outdoor use, to be maintained or located on any porch, lawn, parking lot, driveway or public right-of-way.

2. It shall be unlawful for any person to permit the accumulation of construction waste upon a residential lot in the Town of Halls. The term "construction waste" shall mean materials from construction, demolition, remodeling, construction site preparation, including but not limited to rocks, trees, debris, dirt, bricks, fill, plaster, and all types of scrap building materials.

3. 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 in the premises to the menace of the public health or the annoyance of people residing within the vicinity. (as added by Ord. #02-24, May 2002)

## CHAPTER 2

### SLUM CLEARANCE<sup>1</sup>

#### SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.

**13-201. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town and, therefore, ordains as follows. (Ord. of Oct. 8, 1987)

**13-202. Definitions.** (1) "Municipality" shall mean the Town of Halls, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

(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, § 13-21-101, et seq.

(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 town or

state relating to health, fire, building regulations, or other activities concerning structures in the town.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

(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 others 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. (Ord. of Oct. 8, 1987)

**13-203. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (Ord. of Oct. 8, 1987)

**13-204. 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 town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. of Oct. 8, 1987)

**13-205. 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. (Ord. of Oct. 8, 1987)

**13-206. 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." (Ord. of Oct. 8, 1987)

**13-207. 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. (Ord. of Oct. 8, 1987)

**13-208. 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 Lauderdale 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 Town of Halls 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 town. (Ord. of Oct. 8, 1987)

**13-209. 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 Town of Halls; 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. (Ord. of Oct. 8, 1987)

**13-210. 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 town. 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 Lauderdale County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. of Oct. 8, 1987)

**13-211. Enjoining enforcement of orders.** 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. (Ord. of Oct. 8, 1987)

**13-212. 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 the structure conditions in the town in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

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

- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. of Oct. 8, 1987)

**13-213. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. of Oct. 8, 1987)

## CHAPTER 3

### JUNKYARDS

#### SECTION

#### 13-301. Junkyards.

**13-301. Junkyards.**<sup>1</sup> All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1980 Code, § 8-111)

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<sup>1</sup>State law reference

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

**TITLE 14**

**ZONING AND LAND USE CONTROL**

**CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD PLAIN ORDINANCE.
4. MOBILE HOME PARK ORDINANCE.

**CHAPTER 1**

**MUNICIPAL PLANNING COMMISSION**

**SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission for the Town of Halls. The planning commission shall consist of nine (9) members. One (1) of the members shall be the mayor of the municipality and one (1) of the members shall be a member of the chief legislative body of the municipality selected by that body. The other seven (7) members of the planning commission shall be appointed by the mayor. Except for the initial appointments, the terms of the appointive terms of the planning commission shall be for three (3) years each. The terms of the first members shall be appointed for terms of one (1), two (2), three (3), four (4), five (5), six (6), and seven (7) years, respectively so that the term of one (1) member expires each year. Two (2) of the members shall reside within the regional area outside the municipal boundaries in accordance with Tennessee Code Annotated, § 13-3-102 as amended by Public Chapter No. 253, Public Acts 2007 and as referenced in § 14-103 of this municipal code. The terms of the mayor and the member elected by the board of mayor and alderman shall run concurrently with their terms of office. Appointive members shall be eligible to serve successive terms at the pleasure of the mayor. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. 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 or her pleasure. (1980 Code, § 11-101, as replaced by Ord. #11-01, Jan. 2011)



**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1980 Code, § 11-102)

**14-103. Additional powers.** Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1980 Code, § 11-103)

**CHAPTER 2**

**ZONING ORDINANCE**

**SECTION**

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

**14-201. Land use to be governed by zoning ordinance.** Land use within the Town of Halls shall be governed by The Halls Municipal Zoning Ordinance, and any amendments thereto.<sup>1</sup>

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<sup>1</sup>The zoning ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

**CHAPTER 3**

**FLOOD PLAIN ORDINANCE**

**SECTION**

14-301. Flood plain regulations to be governed by flood plain ordinance.

**14-301. Flood plain regulations to be governed by flood plain ordinance.** Regulations governing flood plains within the Town of Halls shall be governed by Ord. of Jan. 4, 1993, titled "Flood Plain Ordinance" and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ord. of Jan. 4, 1993, and any amendments thereto, are published as separate documents and are of record in the recorder's office.

## CHAPTER 4

**MOBILE HOME PARK ORDINANCE****SECTION**

14-401. Mobile home park regulations to be governed by mobile home park ordinance.

14-401. **Mobile home park regulations to be governed by mobile home park ordinance.** Regulations governing mobile home parks within the Town of Halls shall be governed by Ord. of March 9, 1987, titled "Mobile Home Park Ordinance" and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ord. of March 9, 1987, and any amendments thereto, are published as separate documents and are of record in the recorder's office.

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

### MISCELLANEOUS<sup>2</sup>

#### SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

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

- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Use of safety belts in passenger vehicles.
- 15-124. Compliance with financial responsibility law - evidence of compliance.
- 15-125. Child passenger restraint systems.
- 15-126. Heavy or large vehicles on city streets.

**15-101. Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1980 Code, § 9-101)

**15-102. Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1980 Code, § 9-106)

**15-103. Reckless driving.** Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1980 Code, § 9-107)

**15-104. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1980 Code, § 9-109)

**15-105. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

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

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1980 Code, § 9-110)

**15-106. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1980 Code, § 9-111)

**15-107. Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1980 Code, § 9-112)

**15-108. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality 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. (1980 Code, § 9-113)

**15-109. General requirements for traffic-control signs, etc.** All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>2</sup> published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the municipality. This section shall not be construed as being mandatory but is merely directive. (1980 Code, § 9-114)

**15-110. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles

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<sup>1</sup>Municipal code references

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

<sup>2</sup>This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1980 Code, § 9-115)

**15-111. Presumption with respect to traffic-control signs, etc.**

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1980 Code, § 9-116)

**15-112. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1980 Code, § 9-117)

**15-113. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1980 Code, § 9-118)

**15-114. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1980 Code, § 9-120)

**15-115. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1980 Code, § 9-121)

**15-116. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1980 Code, § 9-122)



**15-117. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) 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. (1980 Code, § 9-123)

**15-118. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1980 Code, § 9-124)

**15-119. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1980 Code, § 9-125)

**15-120. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1980 Code, § 9-126)

**15-121. 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. (1980 Code, § 9-119)

**15-122. Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

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

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

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

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1980 Code, § 9-127)

**15-123. Use of safety belts in passenger vehicles.** (1)(a) No person shall operate a passenger motor vehicle in the Town of Halls unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(b) No person four (4) years of age or older shall be a passenger in a passenger motor vehicle in the Town of Halls unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(2)(a) The provisions of this section shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

(b) If the vehicle is equipped with a rear seat which is capable of folding, the provisions of this section shall apply only to front seat passengers and the operator if the back seat is in the fold down position.

(3) As used in this section, unless specified otherwise, "passenger car" or "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of eight thousand five hundred pounds (8,500 lbs.) or less, that is not used as a public or livery conveyance for passengers. "Passenger car" or "passenger motor vehicle" does not apply to motor vehicles which are not required by federal law to be equipped with safety belts.

(4)(a) Notwithstanding any provision of law to the contrary, no citation or warrant for arrest shall be issued for a violation of this section unless a person is stopped by a law enforcement officer for a separate violation of law and is issued a citation or warrant for arrest for the separate violation of law.

(b) A law enforcement officer observing a violation of this section shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this section.

(5) In no event shall a violation of section be assigned a point value for suspension or revocation of a license by the department of safety, nor shall such violation be construed as any other offense under the provisions of this title.

(6) This section does not apply to:

(a) A passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt; provided, that such condition is duly certified in writing by a physician who shall state the nature of the handicap, as well as the reason such restraint is in appropriate;

(b) A passenger motor vehicle operated by a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier;

(c) Salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if such dealership customarily test-drives fifty (50) or more motor vehicles a day, and if such test-drives occur within one (1) mile of the location of the dealership;

(d) Utility workers, water, gas and electric meter readers in the course of their employment; or

(e) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided, that this exemption shall apply only from the time of the actual first delivery to the customer until the last actual delivery to the customer.

(7)(a) Notwithstanding any provision of this section to the contrary, no person between sixteen (16) years of age and up to and through the age of seventeen (17) years of age, shall operate a passenger motor vehicle, or be a passenger therein, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(b) Notwithstanding subdivision (2) (a), the provisions of this subsection shall apply to all occupants between sixteen (16) years of age and eighteen (18) years of age occupying any seat in a passenger motor vehicle.

(c) Notwithstanding subdivision (4) (a), a law enforcement officer observing a violation of this subsection shall issue a citation to the violator, but shall not arrest or take into custody an person solely for a violation of this subsection.

(8) Notwithstanding the provisions of subsection (2), no person with a learner permit or an intermediate driver license shall operate a passenger motor vehicle in this state unless such person and all passengers between the ages of four (4) and seventeen (17) years of age are restrained by a safety belt at all times the vehicle is in forward motion. (as added by Ord. #02-25, May 2002)

**15-124. Compliance with financial responsibility law - evidence of compliance.** (1) Every vehicle driven on the highways of the Town of Halls must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation, any other local ordinance regulating traffic; or at any time of an accident for which notice is required, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault. For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in chapter 12 of title 55 of Tennessee Code Annotated, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in chapter 12 of title 55 of Tennessee Code Annotated, has been paid or

filed with the commissioner, or has qualified as self-insured under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the state of any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(3) On or before the court date, the person so charged may submit evidence of compliance with this section at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #02-26, May 2002)

**15-125. Child passenger restraint systems.** (1) Any person transporting a child under four (4) years of age in a motor vehicle upon a road, street, or highway of Tennessee is responsible for providing for the protection of the child and properly using a child passenger restraint system meeting federal motor vehicle safety standards. Nothing in this subsection restricts a mother from removing the child from the restraint system and holding the child when the mother is nursing the child.

(2) Any person transporting a child, between four (4) and eight (8) years of age who weighs less than forty (40) pounds, in a motor vehicle upon a road, street or highway of Tennessee is responsible for providing for the protection of the child and properly using a separate carrier, an integrated child seat or a belt positioning booster seat.

(3) Any person transporting any child, between four (4) and eight (8) years of age who weighs forty (40) pounds or more, or any child, between eight (8) and fifteen (15) years of age, in a passenger motor vehicle upon a road, street or highway of Tennessee is responsible for the protection of the child and properly using a passenger restraint system, including safety belts, meeting federal motor vehicle safety standards. (as added by Ord. #02-29, June 2002)

**15-126. Heavy or large vehicles on city streets.** It shall be unlawful for any person to operate a motor vehicle, having a rated gross weight of more than fifteen thousand (15,000) pounds over or upon any street, alley or thoroughfare within the corporate limits of the town unless the street, ally or thoroughfare is part of state or federal highway system.

(2) The following categories are exempt from the prohibition of this section:

(a) The operation of heavy trucks upon any street where necessary to the conduct of business at a destination point within the town.

(b) The operation of heavy trucks owned or operated by the town, any contractor or materialman, while under contract to the town.

(c) The operation of school buses and buses used to transport persons to and from a place of worship.

(d) The operation of emergency vehicles upon any street in the town.

(3) Any violation of this section shall be punishable by a fine not to exceed fifty dollars (\$50.00). (as added by Ord. #08-06, Oct. 2008)

**CHAPTER 2****EMERGENCY VEHICLES****SECTION**

- 15-201. Authorized emergency vehicles defined.
- 15-202. Operation of authorized emergency vehicles.
- 15-203. Following emergency vehicles.
- 15-204. Running over fire hoses, etc.

**15-201. Authorized emergency vehicles defined.** Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1980 Code, § 9-102)

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1980 Code, § 9-103)

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<sup>1</sup>Municipal code reference

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

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1980 Code, § 9-104)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1980 Code, § 9-105)



## CHAPTER 3

### SPEED LIMITS

#### SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.

**15-301. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1980 Code, § 9-201)

**15-302. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1980 Code, § 9-202)

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

When the governing body has not established special speed limits as provided for above, any person who shall drive at 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. (1980 Code, § 9-203)

**15-304. In congested areas.** It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1980 Code, § 9-204)

**CHAPTER 4****TURNING MOVEMENTS****SECTION**

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1980 Code, § 9-301)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1980 Code, § 9-302)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1980 Code, § 9-303)

**15-404. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1980 Code, § 9-304)

**15-405. U-turns.** U-turns are prohibited. (1980 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

**CHAPTER 5****STOPPING AND YIELDING****SECTION**

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1980 Code, § 9-401)

**15-502. When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1980 Code, § 9-402)

**15-503. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1980 Code, § 9-403)

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<sup>1</sup>Municipal code reference

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

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

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1980 Code, § 9-404)

**15-505. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1980 Code, § 9-405)

**15-506. At "yield" signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1980 Code, § 9-406)

**15-507. At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1980 Code, § 9-407)

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

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1980 Code, § 9-408)

**15-509. At pedestrian control signals.** Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Wait or Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1980 Code, § 9-409)

**15-510. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1980 Code, § 9-410)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 6

### PARKING

#### SECTION

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

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

Except as hereinafter provided, every vehicle parked upon a street within this municipality 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 municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1980 Code, § 9-501)

**15-602. Angle parking.** On those streets which have been signed or marked by the municipality 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. (1980 Code, § 9-502)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1980 Code, § 9-503)

**15-604. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or municipality, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the municipality.
- (12) In any alleyway which does not have signs specifically authorizing parking. (1980 Code, § 9-504)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1980 Code, § 9-505)

**15-606. Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1980 Code, § 9-506)



## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Deposit of driver's license in lieu of bail.
- 15-707. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1980 Code, § 9-601)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1980 Code, § 9-602)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1980 Code, § 9-603, modified)

**15-704. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle

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<sup>1</sup>State law reference

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

or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is illegally parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1980 Code, § 9-604)

**15-705. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1980 Code, § 9-605)

**15-706. Deposit of driver's 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 town 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 for his appearance in the city court of this town in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(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 the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (Ord. of April 6, 1981)

**15-707. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. Illegal parking violations shall be punishable by a civil penalty of ten dollars (\$10.00) for each separate offense. Illegal parking violations in a designated handicapped parking space or zone shall be punishable by a civil penalty of twenty-five dollars (\$25.00) for each separate offense. For each such parking violation, the offender must, within ten (10) days, pay to the city recorder the applicable civil penalty, and thereby have the charge against him or her disposed of, provided that the offender waives the right to a judicial hearing. In the event that the applicable civil penalty amount is not paid in full within ten (10) days of issuance of the citation, an additional twenty dollar (\$20.00) late fee shall be assessed against the offender and collected by the recorder in the same manner as the collection of the civil penalty for the original parking violation. (1980 Code, § 9-603, as amended by Ord. #04-41, Jan. 2004)

TITLE 16

STREETS AND SIDEWALKS, ETC<sup>1</sup>

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

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

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1980 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1980 Code, § 12-102)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1980 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1980 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across 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. (1980 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1980 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1980 Code, § 12-107)

16-107A. Litter control. (1) Purpose. The purpose of this section is to accomplish litter control in the City of Halls, Tennessee. This section is intended to place upon all persons within the City of Halls, the duty of contributing to the public cleanliness and appearance of the City of Halls in order to promote the public health, safety, and welfare, and to protect the economic interests of the people of the City of Halls against unsanitary and unsightly conditions. It is further the intent of this section to protect the people against the health and safety menace and the expense incident to littering.

(2) Definitions. For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include

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<sup>1</sup>Municipal code reference  
Building code: title 12, chapter 1.

the future, and words used in the singular number include the plural number. The use of the word "shall" is always mandatory and not merely directory.

(a) "Handbill" means any printed or written matter, any sample or device, dodger, circular, flyer, leaflet, pamphlet, paper, booklet, advertisement, or any other printed or otherwise reproduced original or copies of any matter of literature, irrespective of content.

(b) "Litter" means all solid wastes, including but limited to containers, packages, wrapping, printed matter, or other material thrown or deposited as herein prohibited.

(c) "Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, shall also mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public and delivered pursuant to contract.

(d) "Person" means any person, individual, firm, partnership, association, corporation, company, entity, or organization of any kind, whatsoever.

(e) "Private premises" means any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, and shall include any yard, grounds, curtilage, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(f) "Public place" means any and all streets, roads, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, grounds, and buildings.

(3) Littering prohibited. No person shall recklessly, knowingly, or intentionally place, drop, throw, deposit, discard, or otherwise dispose of litter upon any public place in the City of Halls or upon any private premises not owned by said person, or in any waters within the jurisdictional limits of the City of Halls, in any manner, whether from a vehicle, watercraft, aircraft, or otherwise, and including but not limited to any sidewalk, street, alley, highway, or park, except:

(a) When such property is designated by the State of Tennessee or the City of Halls for disposal of garbage, trash, and refuse, and such person is authorized by the proper public authority to so use such property; or

(b) Into a litter receptacle or other container in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said public place or any private property; or

(c) When such a person is the owner or does have control or custody of the property, or has prior consent of the owner or tenant in lawful possession of such property, or unless the act is done under the personal direction of said owner or tenant and provided said litter will not cause a public nuisance or be in violation of any other state or local law, rule, or regulation.

(4) Sweeping litter into gutter prohibited. No person shall sweep or deposit in any gutter, street, alley, or other public place the accumulation of litter from any building, lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep any sidewalks in front of their premises free of litter.

(5) Throwing, distributing, or depositing handbills in public places prohibited. No person shall throw, distribute, or deposit any handbill in or upon any sidewalk, street, or other public place within the corporate limits of the City of Halls, including placing handbills on the windshields or any other portion of vehicles parked upon any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the corporate limits of the City of Halls for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to accept it.

(6) Throwing, distributing, or depositing handbills on private premises prohibited. No person shall throw, distribute, or deposit any handbill in or upon any private premises within the corporate limits of the City of Halls, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises.

(a) Exceptions. The provisions of this section shall not apply to the distribution of mail by the United States Government which is deposited in receptacles erected for that purpose, newspapers as defined herein which are delivered pursuant to contract, official governmental notices, and notices or customer service directories of regulated or public utilities, except that such items shall be placed upon private residences or other private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, gutter, or other public place or upon private property.

(7) Presumptions. If a handbill or other object of litter is discovered deposited on the private property of a person who has not given permission for the disposal of litter, or upon any public place except property designated for that purpose, and the litter or handbill bears the name of a person, the same shall create a rebuttable presumption that the person whose name appears on the object threw, dumped, or deposited it there.

(8) Violation and penalties. Any violation of this section shall be a civil offense punishable as follows:

(a) Any person who violates the provisions of this section shall be subject to a civil penalty of up to fifty (\$50.00) dollars for each separate offense.

(b) In lieu of or in addition to the penalty imposed in the above subsection (a), and except where infirmity or age or other circumstances would create an undue hardship, any such person may be ordered by the court in which the civil penalty is levied to pick up and remove litter from public property within the City of Halls and/or private property, with prior permission of the legal owner, for a reasonable prescribed period which is to be determined in the sole discretion of the presiding judge.

(9) Enforcement officers and procedures. Enforcement of this section may be by any law enforcement officer or agency, including the building inspector, code enforcement officer, or any other sanitation officer of the City of Halls, or the Lauderdale County Department of Health. All such enforcement officers are empowered and authorized to issue citations to any persons violating the provisions of this section, and may serve and execute all warrants, citations, and other process issued by the courts. In addition, mailing by certified mail of such warrant, citation, or other process to the last know address of the offender shall be deemed as personal service upon the person charged with the violation. (as added by Ord. #03-39, Oct. 2003)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1980 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1980 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1980 Code, § 12-110)

16-111. Operation of trains at crossings regulated. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than ten (10) consecutive minutes. (1980 Code, § 12-111)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or



inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1980 Code, § 12-112)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1980 Code, § 12-113)

16-114. Basketball goals in public right-of-way prohibited.

(1) No portable or fixed basketball goal shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the Town of Halls so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00). (as added by Ord. #04-44, Oct. 2004)

CHAPTER 2

EXCAVATIONS AND CUTS<sup>1</sup>

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1980 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

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<sup>1</sup>State law reference

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

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1980 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1980 Code, § 12-203)

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

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1980 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1980 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for promptly upon the completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley,

or public place, the 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 municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, 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. (1980 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1980 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1980 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1980 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are

provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1980 Code, § 12-210)

**TITLE 17**

**REFUSE AND TRASH DISPOSAL<sup>1</sup>**

**CHAPTER**

**1. REFUSE.**

**CHAPTER 1**

**REFUSE<sup>2</sup>**

**SECTION**

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Burning.
- 17-110. Unauthorized use of receptacles.
- 17-111. Placement and leaving of grass clippings upon streets prohibited.

**17-101. Refuse defined.** Refuse shall mean and include garbage, and 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. (1980 Code, § 8-201)

**17-102. Premises to be kept clean.** All persons within the municipality are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1980 Code, § 8-202)

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

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

<sup>2</sup>Ord. #05-46, Aug. 2005, establishing rates for solid waste collection is available in the city recorder's office.

municipality handles mechanically. Furthermore, except for containers which the municipality handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. 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. (1980 Code, § 8-203)

**17-104. Location of containers.** Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the municipal refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the municipality for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1980 Code, § 8-204)

**17-105. Disturbing containers.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1980 Code, § 8-205)

**17-106. Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (1980 Code, § 8-206)

**17-107. Collection vehicles.** The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1980 Code, § 8-207)

**17-108. Disposal.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1980 Code, § 8-208)

**17-109. Burning.** It shall be unlawful for any person to burn or attempt to burn refuse on private or public property within the corporate limits without a permit from the chief of the fire department. A permit will be issued only when adequate safeguards are taken by the applicant therefor to insure that the fire will not spread or create a nuisance. (1980 Code, § 8-209)

**17-110. Unauthorized use of receptacles.** It shall be unlawful for any person to place, or permit another to place, any garbage or trash in any receptacle, at any refuse collection point or in any refuse container used in the City Container Collection Service from the premises at which the receptacle or collection point is located. Refuse from outside the city limits shall not be placed in the refuse containers.

It shall be unlawful for any person to place or deposit, or permit another to place or deposit, prohibited refuse in city containers or to dump anything on the ground at these locations.

Any person, firm or corporation violating the provisions of this section shall be fined not less than \$50.00 nor more than \$100.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. #96-4, Sept. 1996)

**17-111. Placement and leaving of grass clippings upon streets prohibited.** (1) No person shall place grass clippings upon the streets of the Town of Halls, through the operation of mowing equipment or otherwise, and allow the grass clippings to remain upon the streets of the Town of Halls in any quantity that impedes the drainage of water or the flow of water through the storm sewer system of the Town of Halls.

(2) A civil fine in the amount of forty dollars (\$40.00) shall be imposed for any violation of this section. (as added by Ord. #09-07, Oct. 2009)



**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER AND SEWERS.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. SEWAGE DISPOSAL, PUBLIC AND PRIVATE SEWERS, AND DISCHARGE INTO THE PUBLIC SEWER SYSTEM.
5. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
6. SEWER USE ORDINANCE.

**CHAPTER 1****WATER AND SEWERS****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Deposits and connection charges.
- 18-107. Water and sewer main extensions.
- 18-108. Water and sewer main extension variances.
- 18-109. Meters.
- 18-110. Meter tests.
- 18-111. Multiple services through a single meter.
- 18-112. Billing.
- 18-113. Discontinuance or refusal of service.
- 18-114. Re-connection charge.
- 18-115. Termination of service by customer.
- 18-116. Access to customers' premises.
- 18-117. Inspections.
- 18-118. Customer's responsibility for system's property.
- 18-119. Customer's responsibility for violations.
- 18-120. Supply and resale of water.
- 18-121. Unauthorized use of or interference with water supply.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-122. Limited use of unmetered private fire line.
- 18-123. Damages to property due to water pressure.
- 18-124. Liability for cutoff failures.
- 18-125. Restricted use of water.
- 18-126. Interruption of service.
- 18-127. Schedule of rates.
- 18-128. Fluoridation of water supply.
- 18-129. Fire hydrants.

**18-101. Application and scope.** The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1980 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the municipality under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water or sewer main of the municipality 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 municipality's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "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. (1980 Code, § 13-102)

**18-103. Obtaining service.** A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1980 Code, § 13-103)

**18-104. Application and contract for service.** Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality 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 municipality to the applicant shall be limited to the return of any deposit made by such applicant. (1980 Code, § 13-104)

**18-105. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1980 Code, § 13-105)

**18-106. Deposits and connection charges.** Service lines will be laid by the municipality from its mains to the property line at the expense of the municipality. The location of such lines will be determined by the municipality.

Before a new water or sewer service line will be laid by the municipality, the applicant shall make such deposits and pay such connection charges as the board of mayor and aldermen may from time to time prescribe.

Any required deposits shall be used to secure payment to the municipality of any sums owed by the customer to the municipality.

Any required connection charges shall be used to help defray the costs of installing service lines, meters, and meter boxes.

When a service line is completed, the municipality 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 municipality. 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. (1980 Code, § 13-106)

**18-107. Water and sewer main extensions.** Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions. In the development of subdivisions as defined in the Subdivision Regulations of the Town of Halls adopted in April of 1981, the Town of Halls shall provide the labor and install the required water lines of Article V, paragraph A, section 9 with the subdivision developer to bear all other expense associated with the water lines, including the purchase of all materials.

For water main extensions cement-lined cast iron pipe, class 150 American Waterworks Association Standard (or other construction approved by the board of mayor and aldermen), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast

iron pipe (or other construction approved by the board of mayor and aldermen) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the board of mayor and aldermen shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality 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 municipality, such water and/or sewer mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality 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. (1980 Code, § 13-108, as amended by Ord. #19, April 2001; and Ord. #01-19B, June 2001)

**18-108. 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 municipality 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 municipality to make such extensions or to furnish service to any person or persons. (1980 Code, § 13-109)

**18-109. Meters.** All meters shall be installed, tested, repaired, and removed only by the municipality.

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 municipality. 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. (1980 Code, § 13-110)

**18-110. Meter tests.** The municipality 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 municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1980 Code, § 13-111)

**18-111. Multiple services through a single meter.** No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality 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/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1980 Code, § 13-113)

**18-112. Billing.** Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount.

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 municipality reserves the right to render an estimated bill based on the best information available. (1980 Code, § 13-114)

**18-113. Discontinuance or refusal of service.** The municipality shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

The right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1980 Code, § 13-115)

**18-114. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge of five dollars (\$5.00)

shall be collected by the municipality before service is restored. (1980 Code, § 13-116)

**18-115. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality 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 municipality 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 municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality 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. (1980 Code, § 13-117)

**18-116. Access to customers' premises.** The municipality'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 municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1980 Code, § 13-118)

**18-117. Inspections.** The municipality 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 municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1980 Code, § 13-119)

**18-118. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1980 Code, § 13-120)

**18-119. Customer's responsibility for violations.** Where the municipality 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. (1980 Code, § 13-121)

**18-120. Supply and resale of water.** All water shall be supplied within the municipality exclusively by the municipality, 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 municipality. (1980 Code, § 13-122)

**18-121. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1980 Code, § 13-123)

**18-122. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, 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 municipality a written notice of such occurrence. (1980 Code, § 13-124)



**18-123. Damages to property due to water pressure.** The municipality 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 municipality's water mains. (1980 Code, § 13-125)

**18-124. Liability for cutoff failures.** The municipality'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 municipality has failed to cut off such service.

(2) The municipality has attempted to cut off a service but such service has not been completely cut off.

(3) The municipality has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the Town of Halls's main.

Except to the extent stated above, the municipality 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 municipality's cutoff. Also the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1980 Code, § 13-126)

**18-125. Restricted use of water.** In times of emergencies or in times of water shortage, the municipality 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. (1980 Code, § 13-127)

**18-126. Interruption of service.** The municipality will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality 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 municipality 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. (1980 Code, § 13-128)

**18-127. Schedule of rates.** All water and sewer service shall be furnished under such rate schedules as the municipality may from time to time adopt by appropriate ordinance or resolution.<sup>1</sup> (1980 Code, § 13-112)

**18-128. Fluoridation of water supply.** The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the town; to submit such plans to the Department of Health of the State of Tennessee for approval; and, upon approval, to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply.

The cost of such fluoridation will be borne by the revenues of the water department. (1980 Code, § 13-129)

**18-129. Fire hydrants.** (1) Volume and pressure standards for all newly installed fire hydrants. All future water mains and fire hydrants to be installed in the Town of Halls water system shall be installed in such a manner to provide adequate fire flows. All water mains shall be at least six inches (6") in diameter. However, larger mains shall be installed when necessary to insure that a minimum of five hundred (500) gallons per minute (gpm) at twenty (20) pounds per square inch (psi) residual pressure is available if the needed fire flow to structures in the area demands such additional flows. Fire hydrants shall be installed in such a manner that there shall be a fire hydrant within five hundred feet (500') of the front entrance of every structure of more than three hundred (300) square feet. The distance to the fire hydrant shall be measured along the route that would be accessible to the fire department to lay fire hose from the hydrant to the building.

(2) Fire hydrants to be color coded. The bonnets and caps of all fire hydrants in the Town of Halls water system are to be painted and color coded in compliance with NFPA 291 as follows:

<u>COLOR</u>	<u>CLASS</u>	<u>AVAILABLE FLOWS AT 20 PSI RESIDUAL</u>
Blue	AA	1,500 gpm or more
Green	A	1,000 to 1,499 gpm
Orange	B	500 to 999 gpm
Red	C	Below 500 gpm

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<sup>1</sup>Administrative ordinances and regulations are of record in the office of the city recorder.

The body color for all fire hydrants on the Town of Halls municipal water system shall be silver.

Private fire protection hydrant shall be painted yellow.

(3) Water utility notification to fire department. On an annual basis and by certified mail, the Town of Halls water department shall provide written notification to the fire chief that hydrants with tops painted red cannot be connected directly to a pumper fire truck. The cover letter shall include a complete listing of all Class C fire hydrants in the Town of Halls and shall contain at least the following words, "The attached list of fire hydrants has been found to have inadequate fire flows and shall not be used by the fire department for pumping operations except in the event of immediate and imminent threat of life safety." A copy of such letter shall be distributed to the mayor.

(4) Filling of booster tanks from hydrants. The fire department shall be allowed to fill the booster tanks on any fire apparatus from an available Class C hydrant by using the water system's available pressure only (that is, fire pumps shall not be engaged during refilling operations from a Class C hydrant). (as added by Ord. #08-01, Feb. 2008)

**CHAPTER 2****SUPPLEMENTARY SEWER REGULATIONS<sup>1</sup>****SECTION**

- 18-201. Definitions.
- 18-202. Use of public sewers required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Use of the public sewers.
- 18-206. Protection from damage.
- 18-207. Powers and authority of inspectors.
- 18-208. Violations.

**18-201. Definitions.** Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

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

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

Cross connections: title 18, chapter 5.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

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

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

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

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste 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 concentration or flows during normal operation.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Superintendent" shall mean the superintendent of the sewage works and/or of water pollution control of the municipality, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1980 Code, § 13-201)

**18-202. Use of public sewers required.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under the jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under the jurisdiction, any sewage or other polluted

waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200)<sup>1</sup> feet of the property line. (1980 Code, § 13-202)

**18-203. Private sewage disposal.** The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1980 Code, § 13-203)

**18-204. Building sewers and connections.** (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an

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<sup>1</sup>The state health department's ordinance provides "one hundred (100) feet" but this is inconsistent with its other ordinance which is set forth in title 18, chapter 3. Therefore, this provision has been revised in this code in an attempt to reconcile the two recommended ordinances of the health department.

interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the municipality, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

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

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the municipality. (1980 Code, § 13-204)

**18-205. Use of the public sewers.** (1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred and fifty degrees (150°)F (65°)C.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred twenty (120)°F (0 and 49°C).



(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Health, for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 8.0.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, (above 200 mg/l), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(l) Waters or wastes containing chlorides in excess of 50 mg/l.

(m) Waters or wastes containing a total nitrogen in excess of 35 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4), and which in the judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) in this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and the Tennessee Department of Health, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public

Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefore, by the industrial concern. (1980 Code, § 13-205)

**18-206. Protection from damage.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1980 Code, § 13-206)

**18-207. Powers and authority of inspectors.** (1) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in the preceding subsection, the superintendent or duly authorized employees of the municipality 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 municipal employees and the municipality shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(8).

(3) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repairing, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1980 Code, § 13-207)

**18-208. Violations.** (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the municipality with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in the preceding subsection shall be guilty of a misdemeanor, and on conviction thereof may be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such violation. (1980 Code, § 13-208)

## CHAPTER 3

### SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>1</sup>

#### SECTION

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. Discharge into watercourses restricted.
- 18-312. Pollution of ground water prohibited.
- 18-313. Enforcement of chapter.
- 18-314. Carnivals, circuses, etc.
- 18-315. Violations.

**18-301. Definitions.** The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(3) "Human excreta." The bowel and kidney discharges of human beings.

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks

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<sup>1</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1980 Code, § 8-301)

**18-302. Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1980 Code, § 8-302)

**18-303. When a connection to the public sewer is required.** Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1980 Code, § 8-303)

**18-304. When a septic tank shall be used.** Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1980 Code, § 8-304)

**18-305. Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1980 Code, § 8-305)

**18-306. Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1980 Code, § 8-306)

**18-307. Approval and permit required for septic tanks, privies, etc.** Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1980 Code, § 8-307)

**18-308. Owner to provide disposal facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-302, or the agent of the owner to provide such facilities. (1980 Code, § 8-308)

**18-309. Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1980 Code, § 8-309)

**18-310. Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1980 Code, § 8-310)

**18-311. Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1980 Code, § 8-311)

**18-312. Pollution of ground water prohibited.** No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1980 Code, § 8-312)

**18-313. Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1980 Code, § 8-313)

**18-314. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1980 Code, § 8-314)

**18-315. Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1980 Code, § 8-315)



## CHAPTER 4

**SEWAGE DISPOSAL, PUBLIC AND PRIVATE SEWERS,  
AND DISCHARGE INTO THE PUBLIC SEWER SYSTEM****SECTION**

- 18-401. Definitions.
- 18-402. Requirements and connection to public sewers.
- 18-403. Private sewage disposal.
- 18-404. Regulation of holding tank waste disposal.
- 18-405. Applications for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-406. Discharge regulations.
- 18-407. Industrial user monitoring, inspection reports, records access, and safety.
- 18-408. Enforcement and abatement.
- 18-409. Penalty: costs.
- 18-410. Fees and billings.
- 18-411. Validity.

**18-401. Definitions.** The following definitions shall apply in the interpretation of this chapter.

(1) "Accessible sewer" A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "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.*

(3) "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.

(4) "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 of 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.

(5) "Biochemical Oxygen Demand (BOD)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard

laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

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

(7) "Categorical standards" - National categorical pretreatment standards of pretreatment standard.

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

(9) "Control authority" - The term "control authority" shall refer to the "approval authority," defined hereinabove; or the superintendent if the town has an approved pretreatment program under the provisions of 40 CFR, 403.11.

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

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

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

(13) "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.

(14) "Garbage" - Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(15) "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.

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

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

(18) "Indirect discharge" - The discharge or the introduction of nondomestic 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).

(19) "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).

(20) "Interference" - The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 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.

(21) "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.

(22) "NPDES (Natural Pollutant Discharge Elimination System)" - The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(23) "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, a new source, the construction of which is commenced after the date of promulgation of the standard.

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

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

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

(27) "Pollutant" - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(28) "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 alternation can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CFR Section 40.36(d).

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

(30) "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 town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the (town) who are, by contract or agreement with the (town) users of the town's POTW.

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

(32) "Shall" is mandatory; "May" is permissive.

(33) "Slug" - Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(34) "State" - State of Tennessee.

(35) "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.

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

(37) "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 superintendent.

(38) "Suspended solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(39) "Superintendent" - The person designated by the town to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

(40) "Town" - The Town of Halls or the Board of Mayor and Aldermen, Town of Halls, Tennessee.

(41) "Toxic pollutant" - Any pollutant or combination of pollutants listed as toxic in regulations promulgated 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 town'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) "Water of the State" - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface of underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (Ord. of Dec. 7, 1981)

**18-402. Requirements and 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 Town of Halls, 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 Town of Halls any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(d) Except as provided in § 18-402(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 and abutting on any street, alley or right-of-way in which there is now located an accessible public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with

the provisions of this chapter, within ninety (90) days after date of official notice to do so.

(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 accessible, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-403.

(2) Physical connection public sewer. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by § 18-403.

(b) All costs and expenses incident to the installation, connection and inspection of new building sewers shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

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

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

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

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

(iii) Four (4) inch building sewers shall be laid on a grade greater than 1/8-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.

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

(v) Building sewers shall be constructed only of:

(A) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(B) Cast iron soil pipe with leaded or compression joints;

(C) Polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(D) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(E) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(vi) A cleanout shall be located five (5) feet outside of the building, one as it taps onto the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed no more than seventy-five (75) feet apart in horizontal building sewers of four (4) 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 on a four (4) inch pipe.

(vii) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or 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 or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more. In cases where basement or floor levels are lower than the ground elevation at the point of connection of 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 an approved means and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described

above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications 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.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(g) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(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 of his authorized representative.

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

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the town. (Ord. of Dec. 7, 1981)

**18-403. Private sewage disposal.** (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-402(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 § 18-402, the owner shall provide a private sewage pumping station as provided in § 18-402(2)(e)(viii).



(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice 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 Lauderdale County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the Lauderdale County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Lauderdale 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 Lauderdale County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Lauderdale County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Lauderdale County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee and the Lauderdale County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Lauderdale County Health Department. (Ord. of Dec. 7, 1981)

**18-404. Regulation of holding tank waste disposal.** (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have

been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter, an annual service charge therefore shall be paid to the town to be set as specified in § 18-410. Any such permit granted shall be for one full 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 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.

(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 or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of Halls. (Ord. of Dec. 7, 1981)

**18-405. 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 municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-402 of this chapter and an inspection has been performed by the superintendent or his representative.

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

superintendent for interim periods of compliance may be assured within a reasonable period of time.

(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 shall obtain a wastewater discharge permit 180 days after the effective date of this chapter.

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

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent, and 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 90 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the town and shall include, but not be limited to the following information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; 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.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the 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 town under the provisions of this chapter.

(iv) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such

additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-406.

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

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

(vii) 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 submit the application to the mayor with a recommendation that it be denied 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 establishing by the town. Permits may contain the following:

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

(ii) Limits on the average and maximum wastewater constituents and characteristics;

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

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

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

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports of discharge reports;

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

(ix) Requirements for notification of the town 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;

(x) Requirements for notification of slug discharged;

(xi) Other conditions as deemed appropriate by the town 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 §§ 18-405(2)(b)(ii) and 18-405(2)(b)(iii). 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 town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

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

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

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

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

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

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspections shall be available to the public or any other 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 user.

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 town'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. (Ord. of Dec. 7, 1981)

**18-406. 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 twenty percent (20%) 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 town, 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 such as, but not limited to: grease, garbage with particles greater than one-half inch ( $\frac{1}{2}$ " ) 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, 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 5.0 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 or hazard to life or 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 disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance 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 POTW which 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 "sludge" as defined herein.

(l) Any wastewater containing any radioactive wastes or isotopes of such halflife 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 temperatures 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. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health, to a storm sewer or natural outlet.

(2) Protection of treatment lagoon influent. The superintendent shall monitor the treatment works influent for each parameter in the following table (Table A - Lagoon 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, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment 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 A - Lagoon Protection Criteria

<u>Parameter</u>	<u>Maximum Concentrations mg/l (24 hour flow)</u>
Arsenic	0.1
Barium	5.0
Cadmium (Cd)	0.002
Chromium (+6)	0.2
Chromium (+3)	3.0
Copper (Cu)	0.025
Cyanide (CN)	0.03
Lead (Pb)	0.06
Mercury (Hg)	0.01
Nickel (Ni)	1.5
Phenols	1.0
Selenium (Se)	0.01
Silver (Ag)	0.05
Zinc (Zn)	0.5
Total Kjeldahl Nitrogen (TKN)	0.045
Oil & Grease	0.05
MBAS	0.005
BOD	*
COD	*
Suspended Solids	*

\*Not to exceed the design capacity of treatment works.

(3) 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 the 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.

(4) 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/or the United States Environmental Protection Agency.

(5) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the town and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the town and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(6) Exceptions to discharge criteria.

(a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-406(1) and 18-406(2). Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the town.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the town in its review of the application.

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

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

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

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

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

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

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the town upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the town at its next regularly scheduled meeting.

(d) Review of application by the town. The town shall review and evaluate all applications for exceptions and shall take into account the following factors:

(i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-406 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

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

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

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

(7) 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 inplant transfer or processing and materials handline areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the 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 his designated official) by 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 will 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. (Ord. of Dec. 7, 1981)

**18-407. 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 having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

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 users's expense.

(2) Inspection and sampling. The town 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 town 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 town, 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 town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(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 qualified professional.

(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. 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 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 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 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent.

(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 analysis were performed;
- (c) Who performed the analysis;
- (d) The analytical techniques/methods used; and
- (e) The results of such analysis.

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, 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 town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (Ord. of Dec. 7, 1981)

**18-408. 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 forthwith;
- (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 his 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. 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 town 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 town board 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 town board 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 may designate any of its members or any officer or employee of the water and sewer department to:

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

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board 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 the usual charges thereof.

(d) After the board of mayor and aldermen has reviewed the evidence, it 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 town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the town, the town attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of this county.

(5) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the superintendent or in his absence the person then in charge of the treatment works shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the town or in their absence such elected officials of the town as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected.

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

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violations hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the town 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 Town of Halls shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (Ord. of Dec. 7, 1981)

**18-409. Penalty: costs.** (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen 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 town may recover reasonable attorney's fees, court costs, court reporters' fees, and other expense of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six (6) months, or by both. (Ord. of Dec. 7, 1981)

**18-410. Fees and billings.** (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the town'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 town's schedule of charges and fees, may include, but not be limited to:

- (a) Inspection fee and tapping fees;
- (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 town may deem necessary to carry out the

requirements of this chapter.

(3) Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-405 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 town's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the board of mayor and aldermen.

(5) Sewer user charges. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the users' contribution of wastewater loads; each class user being identified as follows:

(i) Class I: Those users whose average biochemical oxygen demand is three hundred milligrams per liter (300 mg/l) by weight or less, and whose suspended solids discharge is three hundred milligrams per liter (300 mg/l) by weight or less.

(ii) Class II: Those users whose average biochemical oxygen demand exceeds three hundred milligrams per liter concentration (300 mg/l) by weight and whose suspended solids exceeds three hundred milligrams per liter concentration (300 mg/l).

(b) Determination of costs. 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. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

(6) Surcharge fees. If it is determined by the town that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge.

(7) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-405 of this chapter.

(8) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(9) Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the town, subject to net and gross rates. (Ord. of Dec. 7, 1981)

**18-411. Validity.** This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the Town of Halls, Tennessee. (Ord. of Dec. 7, 1981)

## CHAPTER 5

### CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-501. Definitions.
- 18-502. Regulated.
- 18-503. Statement required.
- 18-504. Violations.

**18-501. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the municipality for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross-connection." Any physical connection whereby the public water supply is connected, with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1980 Code, § 8-401)

**18-502. Regulated.** It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection, auxiliary intake, by-pass or interconnection is at all times under the direct supervision of the superintendent of the waterworks of this municipality. (1980 Code, § 8-402)

**18-503. Statement required.** Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks, a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the waterworks. (1980 Code, § 8-403)

**18-504. Violations.** Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the waterworks. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the waterworks shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1980 Code, § 8-404)

## CHAPTER 6

### SEWER USE REGULATIONS

#### SECTION

- 18-601. Purpose and policy.
- 18-602. Definitions.
- 18-603. Abbreviations.
- 18-604. Use of public sewers required.
- 18-605. Building sewers and connections.
- 18-606. General discharge prohibitions.
- 18-607. National categorical pretreatment standards.
- 18-608. Modification of national categorical pretreatment standards.
- 18-609. Specific pollutant limitations.
- 18-610. Conventional pollutants.
- 18-611. State requirements.
- 18-612. Town's right of revision.
- 18-613. Excessive discharge.
- 18-614. Accidental discharges.
- 18-615. Fees.
- 18-616. Wastewater dischargers.
- 18-617. Residential, commercial and institutional wastewater discharge permits.
- 18-618. Industrial wastewater discharge permits.
- 18-619. Enforcement of industrial wastewater discharge permit.

**18-601. Purpose and policy.** This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Halls and enables the town to comply with all applicable state laws and regulations and federal laws required by the Federal Water Pollution Control Act of 1972 and its subsequent amendments, and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (1) To protect the public health;
- (2) To prevent the introduction of pollutants into the POTW system which will interfere with the operation of the system or contaminate the resulting sludge;
- (3) To prevent the introduction of pollutants into the POTW system in amounts which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (4) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW system; and

(5) To provide for the full and equitable distribution of the cost of the POTW system.

This chapter provides for the regulation of contributors to the POTW system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees and charges for the equitable distribution of costs relating to the administration, operation, maintenance, amortization of debt and depreciation of the POTW.

This chapter shall apply to the Town of Halls and to persons outside the town who are, by contract or agreement with the town, users of the POTW. Except as otherwise provided herein, the Superintendent of the POTW shall administer, implement, and enforce the provisions of this chapter. (As amended by Ord. dated Sept. 11, 1995)

**18-602. 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, enacted by Public Law 92-500, October 18, 1972, 33 USC 1251 *et seq.*; as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983; and PL 100-04, February 4, 1987.

(2) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation.

(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, five (5) days at 20° centigrade expressed in terms of weight and concentration.

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

(6) "Categorical pretreatment standards." See National Pretreatment Standard or Pretreatment Standard.

(7) "Categorical industrial user." An industrial user subject to categorical or national pretreatment standards.



(8) "Chronic violation." The term used to describe violations of an industrial wastewater discharge permit when the limit for any one parameter listed in the permit is exceeded by any magnitude for sixty-six (66) percent or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six-month period covered by the semi-annual report required by the approval authority.

(9) "Cooling water." The water discharged 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 Superintendent of the Halls Water Plant or his authorized representative.

(11) "Conventional pollutants." Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH (40 CFR 401.16).

(12) "Daily maximum limits." The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

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

(14) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit, or dwelling unit equivalent, containing sanitary facilities for the disposal of wastewater and used for residential purposes only and/or restroom wastes from commercial, institutional and industrial users.

(15) "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 said agency.

(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) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b), (c), or (d) of the Act, into the POTW (including holding tank waste discharged into the system).

(19) "Industrial user (IU)." A source of nondomestic waste. Any nondomestic source discharging pollutants to the POTW.

(20) "Industrial wastewater discharge permit." As set forth in § 18-618.

(21) "Instantaneous maximum limit." The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(22) "Interference." An indirect discharge which, alone or in conjunction with an indirect discharge or discharges from other sources, both:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

(23) "National pretreatment standard or pretreatment standard." Any regulation promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of industrial users and provides limitations on the introduction of pollutants into POTW's (40 CFR 403.6 and 405-471). This term includes the national prohibited discharge standards under 40 CFR 403.5, including local limits [40 CFR 403.3 (j)].

(24) "National prohibitive discharges." Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 CFR 403.5.

(25) "New source." Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed national pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

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

(c) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the

new facility is engaged in the same general type of activity as the existing source should be considered.

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

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

(A) Begun, or caused to begin as part of a continuous on-site construction program:

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

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

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

(26) "National Pollutant Discharge Elimination System or NPDES permit." A permit issued to a POTW pursuant to Section 402 of the Act.

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

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

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

(30) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(31) "Pretreatment." 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. [40 CFR Section 403.3(q)].

(32) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user, including but not limited to discharge limits, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.

(33) "Prohibited discharge." Discharge of a pollutant which may cause pass-through or interference to the POTW, pursuant to 40 CFR 403.5.

(34) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by Section 212 of the Act which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town, who are, by contract or agreement with the town, users of the POTW.

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

(36) "Shall" is mandatory: "May" is permissive.

(37) "Sanitary sewer." A sewer pipeline that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(38) "Significant industrial user." Any industrial user of the POTW who:

(a) Is a categorical industrial user, or

(b) Has a discharge flow to the POTW of 25,000 gallons or more per average work day of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater), or

(c) Has a process wastewater discharge flow or conventional pollutant waste load greater than 5% of the base flow or waste load in the POTW system, or

(d) Has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or Tennessee Statutes or rules, or

(e) Is found by the town, Tennessee Department of Environment and Conservation or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the POTW system's effluent quality, or air emissions generated by the POTW system.

(39) "Significant noncompliance (SNC)." Any violation of pretreatment requirements which meet one or more of the following criteria:

(a) Violations of wastewater discharge limits.

(i) Chronic violations, as defined in § 18-602(8),

(ii) Technical Review Criteria (TRC) violations, as defined in § 18-602(42),

(iii) Any other violation(s) of an industrial wastewater discharge permit effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public, or

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

(b) Violations of compliance schedule milestones, contained in an enforcement order by 90 days or more after the schedule date. Milestones may include but not be limited to dates for starting construction, completing construction and attaining final compliance.

(c) Failure to provide reports for compliance schedules, self-monitoring data or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within 30 days from the due date.

(d) Failure to accurately report noncompliance.

(40) "Significant violation." A violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under CFR 403.8(f)(2)(vi)(B) and 403.8(f)(2)(vii).

(41) "State." State of Tennessee.

(42) "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, 1987.

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

(44) "Surcharge." A fee charged to industrial users in excess of the normal sewer user charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW treatment plant was designed to treat, but which do not cause an interference with the POTW.

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

(46) "Technical Review Criteria (TRC) Violation." The term used to describe violations of an industrial wastewater discharge permit when:

(a) The limit for biochemical oxygen demand, total suspended solids, ammonia nitrogen, fats, oil and grease is exceeded by 140 percent for thirty-three (33) percent or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six-month period covered by the semi-annual report required by the approval authority.

(b) The limit for any other pollutant, except pH, is exceeded by 120 percent for thirty-three (33) percent or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six-month period covered by the semi-annual report by the approval authority.

(47) "Town." The Town of Halls and/or the Mayor and Aldermen of the Town of Halls.

(48) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act (40 CFR 403 Appendix B).

(49) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.

(50) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(51) "Waters of the State." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of any portion thereof.

**18-603. Abbreviations.** The following abbreviations shall have the designated meanings:

BOD	- Biochemical Oxygen Demand
CFR	- Code of Federal Regulations
COD	- Chemical Oxygen Demand
EPA	- Environmental Protection Agency
l	- Liter
mg	- Milligrams
mg/l	- Milligrams per liter
NH <sub>3</sub> -N	- Ammonia Nitrogen

NPDES	- National Pollutant Discharge Elimination System
POTW	- Publicly Owned Treatment Works
SIC	- Standard Industrial Classification
SWDA	- Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
USC	- United States Code
TSS	- Total Suspended Solids

**18-604. Use of public sewers required.** 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 Town of Halls, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.

It shall be unlawful to discharge any wastewater to an waters of the state within the town, or in any area under the jurisdiction of the town.

Except as hereinafter 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 wastewater within the Town of Halls.

The owners of all houses, building or properties used for human occupancy, employment, recreation or other purposes, situated within the Town of Halls, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the POTW, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer by means of a building sewer in accordance with the provisions of this chapter within 60 days after official notice to do so. Such connection shall be made at the place and in the manner as directed by the control authority.

Where a POTW sanitary sewer is not available within 500 feet of the building sewer, the building sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of this chapter and the Tennessee Department of Environment and Conservation, Division of Groundwater Protection Chapter 1200-1-6, New and Amended Rules, Regulations to Govern Subsurface Sewage Disposal Systems.

The owner of any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation necessary 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 this section. The owner shall provide a private sewage pumping station (grinder pump) to convey wastewater into the POTW sanitary sewer at the expense of the owner.

**18-605. Building sewers and connections.** (1) General. No unauthorized person shall uncover, make any connections with or opening into,

use, alter, or disturb any POTW sanitary sewer or appurtenance thereof without first obtaining a written permit from the control authority.

All cost and expense incidental to the installation and connection of the building sewer to the POTW sanitary sewer shall be borne by the user. The user shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no building 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.

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the control authority, meeting all requirements of this chapter. All others must be sealed to the specifications of the control authority.

(2) Building sewer construction. Building sewers shall conform to the following requirements:

(a) The minimum size of a building sewer shall be six (6) inches.

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

(c) Six (6) inch building sewers shall be laid on a grade equal to or greater than 1/8-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.

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

(e) Building sewers shall be constructed only of (1) cast iron soil pipe or ductile iron pipe with compression joints or (2) polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.

(f) Cleanouts shall be located on building sewers as follows: one located five (5) feet outside of the building, one at the tap onto the POTW sanitary sewer 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 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 on a six (6) inch pipe.

(g) Connections of building sewers to POTW sanitary sewer shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion



resisting or 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 or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the control authority. All such connections shall be made gastight and watertight.

(h) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW 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 user. In all buildings in which any building drain is too low to permit gravity flow to the POTW sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(i) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications 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 Control Authority before installation.

(j) An installed building sewer shall be gastight and watertight.

(k) 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 control authority.

(l) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a POTW sanitary sewer.

(3) Inspection of connections. (a) The connection to the POTW sanitary sewer and all building sewers from the building to the POTW sanitary sewer shall be inspected by the control authority before the underground portion is covered.

(b) The applicant for discharge shall notify the control authority when the building sewer is ready for inspection and connection to the

POTW sanitary sewer. The connection shall be made under the supervision of the control authority.

(4) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on private property to insure that the building sewer is watertight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet specifications of the town. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or groundwater entry into the POTW sewer system are identified on building sewers on private property, the superintendent may take any of the following actions.

(a) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter must be complete within 60 days from the date of the written notice and entirely at the expense of the user.

(b) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and inform the user that the town will provide all labor, equipment and materials necessary to make the repairs required to bring the building sewer within the requirements of this chapter. The work on private property will be performed at the town's convenience and the cost of all materials used will be charged to the user. The town will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the user shall be responsible for final landscaping, including but not limited to seeding, fertilizing, watering, mulching, sodding and replacing any shrubbery or trees displaced or damaged by the town during the execution of the work.

**18-606. 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 or performance of the POTW. These general prohibitions apply to all 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:

(1) 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 POTW 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 or have a closed cup flashpoint of less than 140°F using the test method specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substance which the town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(2) 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 such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, 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, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0 or more than 9.0, unless the wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any POTW 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.

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes, are sufficient to create a public nuisance or acute worker health and safety problems or are sufficient to prevent entry into the sewers for maintenance and repair.

(6) 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 disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

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

(8) Any wastewater with objectionable color which causes discoloration of the POTW treatment plant effluent to the extent that the NPDES permit is violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) 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 which will cause the wastewater temperature at the introduction into the POTW to exceed 40°C (104°F).

(10) Any pollutants, including oxygen demanding pollutants, such as BOD, NH<sub>3</sub>-N, and oil and grease, released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a discharge to the POTW have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(11) Any wastewater containing any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations.

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

(13) Any wastewater containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between 0° (32°F) and 40°C (104°F) and/or cause interference or pass-through at the POTW treatment plant.

(14) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the control authority and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the control authority and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

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

When the control authority determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall:

(a) Advise the user of the impact of the contribution on the POTW; and

(b) Develop effluent limitation(s) for such user to correct the interference with the POTW.

**18-607. National categorical pretreatment standards.** National categorical pretreatment standards for new and existing sources set out in 40 CFR, Subchapter N, Parts 405 through 471 shall serve as the minimum requirements for all applicable industrial users.

Upon the promulgation of national categorical pretreatment standards for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under § 18-609 for industrial users in that

sub-category, shall immediately supersede the limitations imposed under § 18-609. The control authority shall notify all affected industrial users of the applicable reporting requirements under 40 CFR, Section 403.12.

**18-608. Modification of national categorical pretreatment standards.** If the POTW system achieves consistent removal of pollutants limited by national pretreatment standards, the town may apply to the approval authority for modification of specific limits in the national pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(a)(3)(ii) of Title 40 of the Code of Federal Regulations, Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The town may then modify pollutant discharge limits in the national pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.

**18-609. Specific pollutant limitations.** (1) Restrictions on wastewater strength. No person shall discharge wastewater containing in excess of the concentrations listed for each of the following pollutants:

<u>Pollutant</u>	Daily Average* Maximum <u>Concentration (mg/l)</u>	Instantaneous Maximum <u>Concentration (mg/l)</u>	30 Day Avg. Maximum <u>Concentration (mg/l)</u>
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Cadmium	0.5	0.7	0.26
Chromium	4.0	5.9	1.93
Copper	11.2	16.8	4.5
Cyanide	12.5	19.0	3.8
Lead	3.7	5.6	1.2
Mercury	0.1	0.2	0.04
Nickel	18.8	28.7	8.2
Total Phenolic Compounds	4.6	7.0	2.0

<u>Pollutant</u>	Daily Average*	Instantaneous	30 Day Avg.
	Maximum	Maximum	Maximum
	<u>Concentration (mg/l)</u>	<u>Concentration (mg/l)</u>	<u>Concentration (mg/l)</u>
Silver	1.1	1.6	0.56
Zinc	10.0	5.8	4.2
Benzene	0.2	0.3	0.09
Total Phthalates	0.4	0.6	0.18
Chloroform	5.6	8.5	2.44
Ethylbenzene	1.0	1.4	0.4
Naphthalene	0.06	0.08	0.02
Toluene	6.72	9.8	2.8
1,1,1 Trichloroethane	15.1	23.1	6.6
Carbon Tetrachloride	0.9	1.5	0.43
Tetrachloroethylene	12.8	19.6	5.6
Trichloroethylene	15.8	23.1	6.6
1,2 trans Dichloroethylene	0.6	0.8	0.2
Methylene Chloride	15.0	21.8	6.25

\*Based on 24-hour flow proportional composite samples.

Analyses for all pollutants listed herein shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency.

(2) Criteria to protect the POTW treatment plant influent. The town shall monitor the POTW treatment plant influent for each parameter in the following table. Analyses for all pollutants listed herein shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency. All industrial users shall be subject to the reporting and monitoring requirements set forth in

§ 18-618(8), Reporting Requirements for Permittee, and § 18-618(10), Inspection and Sampling, as to these parameters. In the event that the influent at the POTW treatment plant reaches or exceeds the levels established by said table, the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the town such remedial measures as are necessary, including, but not limited to recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

<u>Parameter</u>	<u>Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)</u>	<u>Maximum Instantaneous Concentration Grab Sample (mg/l)</u>
BOD	200	400
TSS	200	400
NH <sub>3</sub> -N	20	40
Copper	0.10	0.20
Total Chromium	0.12	0.24
Nickel	0.21	0.42
Cadmium	0.01	0.02
Lead	0.05	0.10
Mercury	0.001	0.002
Silver	0.01	0.02
Zinc	0.41	0.82
Cyanide	0.25	0.50
Toluene	0.14	0.28
Benzene	0.04	0.08
1,1,1 Trichloroethane	0.33	0.66
Ethylbenzene	0.02	0.04
Carbon Tetrachloride	0.05	0.10
Chloroform	0.22	0.44
Tetrachloroethylene	0.28	0.56
Trichloroethylene	0.33	0.66
1,2 trans Dichloroethylene	0.01	0.02
Methylene Chloride	1.25	1.50
Total Phenols	0.10	0.20
Naphthalene	0.0028	0.0056
Total Phthalates	0.16	0.32

**18-610. Conventional pollutants.** (1) BOD, TSS AND NH<sub>3</sub>-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH<sub>3</sub>-N). If an industrial user discharges concentrations of these pollutants in excess of the criteria to protect the POTW treatment plant influent listing in § 18-609(2), added operation and maintenance costs will be incurred by the POTW. Therefore, any industrial user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in § 18-609(b) for any of the conventional pollutants such as BOD, TSS, and/or NH<sub>3</sub>-N will be subject to a surcharge. The formula for this surcharge is listed in § 18-615(3). The town also reserves the



right to, at any time, place specific mass or concentration limits for BOD, TSS and/or NH<sub>3</sub>-N on the industrial user if the industrial user's discharge of the excessive strength wastewater causes to the POTW treatment plant to violate its NPDES permit.

(2) Oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants.

"Free" and "emulsified" oil and grease shall be differentiated based on the following procedure. One aliquot of sample shall be extracted with freon using EPA Method 413.1, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "free" oil and grease. A second aliquot of sample shall be prepared by adding sulfuric acid and heating until any emulsion breaks. The sample shall then be extracted with freon using EPA Method 413.1. The result of this analysis will be considered "total" oil and grease. "Emulsified" oil and grease will be considered the arithmetic difference between "total" and "free" oil and grease.

If an industrial user discharges concentrations of "free" oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in § 18-608(2) for "free" oil and grease, added operation and maintenance costs will be incurred by the POTW. Therefore, any industrial user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in § 18-608(2) for "free" oil and grease will be subject to a surcharge. The formula for this surcharge is listed in § 18-615. The town also reserves the right to, at any time, place specific mass or concentration limits for "free" oil and grease on the industrial user if the industrial user's discharge of the excessive strength wastewater causes to the POTW treatment plant to violate its NPDES permit.

**18-611. State requirements.** State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

**18-612. Town's right of revision.** The town reserves the right to establish by ordinance more stringent limitations or requirements on users of the POTW system if deemed necessary to comply with the objectives presented in § 18-601 of this chapter.

**18-613. Excessive discharge.** No industrial user shall ever increase the use of process water or, in any way, attempt to dilute a discharge by adding wastewater that would not have been generated except for use as a dilutant as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state.

**18-614. Accidental discharges.** (1) Protection from accidental discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. No industrial user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the control authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this chapter.

(2) Notification of accidental discharge. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The industrial user shall sample and analyze for the parameters thought to have been violated within 24 hours after discovery of the accidental discharge and report the results of the sample analysis to the control authority [(40 CFR 403.12(g)].

(a) Written notice. Within five (5) days following an accidental discharge, the industrial user shall submit to the control authority a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(b) Notice to employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial users shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

**18-615. Fees.** (1) Purpose. It is the purpose of this chapter to provide for the recovery of costs from users of the town's wastewater disposal system for the administration, operation, maintenance, amortization of debt, and depreciation of the POTW. The applicable charges or fees shall be set forth in the town's schedule of charges and fees.

(2) Charges and fees. The town may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;
- (b) Fees for monitoring, inspections and surveillance procedures associated with significant industrial users;
- (c) Fees for reviewing accidental discharge procedures and construction plans and specifications for significant industrial users;
- (d) Fees for permit applications;
- (e) Fees for inspection of building sewer connections;
- (f) Fees for filing appeals of enforcement actions taken by the town;
- (g) Fees for treating conventional pollutants discharged to the POTW by industrial users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;
- (h) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW;
- (i) Other fees as the town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the town.

(3) Surcharge fees. If an industrial user discharges in excess of the criteria to protect the POTW treatment plant influent set out for the conventional pollutants BOD, TSS, NH<sub>3</sub>-N, and/or oil and grease in §§ 18-609 and 18-610, additional operation and maintenance costs will be incurred by the town. Therefore any user who discharges in excess of the limits for any of these parameters will be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

Base Sewer		Actual Monthly Average of		Base Sewer
Bill for	X	<u>Parameter Concentration (mg/l)</u>	-	Bill for
Monthly Usage		24-Hour Flow Proportional		Monthly Usage
		Composite Sample Criteria		
		to Protect the POTW Treatment		
		Plant Influent		

The town also reserves the right to, at any time, place limits which may not be exceeded on the industrial user's discharge if the industrial user's discharge of the excessive strength wastewater causes to the POTW treatment plant to violate its NPDES permit.

As an alternate to this formula, the town may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants.

**18-616. Wastewater discharge permits.** There shall be two classes of building sewer permits:

(1) For connection of residential, commercial and institutional users to the POTW, and

(2) For connection of industrial users to the POTW.

In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority. A permit and inspection fee shall be paid to the town at the time the application is filed as set out in the town's schedule of charges and fees.

**18-617. Residential, commercial and institutional wastewater discharge permits.** All new non-industrial users which generate only domestic wastewater shall make application to the town for written authorization to connect a building sewer and discharge wastewater to the POTW system. Applications shall be required from all new non-industrial users, as well as for any existing non-industrial user desiring additional service. Discharge of domestic wastewater to the POTW shall not be made until the application is received and approved by the control authority, the building sewer is installed in accordance with §§ 18-605 through 18-614, and an inspection has been performed by the control authority or his representative.

The receipt by the control authority of a prospective user's application for service shall not obligate the town to render the service. If the service applied for cannot be supplied in accordance with this chapter and the town's rules and regulations and general practices, the permit and inspection fee will be refunded in full, and there shall be no liability of the town to the applicant for such service.

**18-618. Industrial wastewater discharge permits.** (1) General. All new industrial users shall submit a permit application as described hereinafter prior to connection of their building sewer to the POTW. The control authority will determine from information supplied in this application, and any other information requested, if the industrial user is a significant industrial user. If the industrial user is determined not to be a significant industrial user, the permit for connection of a building sewer shall be processed in accordance with § 18-617.

All significant industrial users shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW.

(2) Certification. All applications reports, etc., submitted by a industrial user must include the certification that is found at 40 CFR 403.6(a)(2)(ii) and must be signed by an authorized representative of the industrial user pursuant to 40 CFR 403.12(l).

(3) Permit application. Industrial users shall complete and file with the control authority an application in the form prescribed by the town at least 90 days prior to connecting or contributing to the POTW. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1987, as amended;
- (c) Wastewater constituents and characteristics including but not limited to, those mentioned in §§ 18-605 through 18-614 as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of discharge;
- (e) Average daily and 30-minute peak wastewater flow rates including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all process drain lines and the building sewer and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, state, or national pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards; and
- (i) If additional pretreatment and/or O&M will be required to meet the local, state or national pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable local, state or national pretreatment standard.

The following conditions shall apply to this schedule:

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional

pretreatment required for the industrial user to meet the applicable local, state or national pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction etc.).

(ii) No increment referred to in § 18-618(3)(i)(i) shall exceed 9 months.

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

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

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

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

(m) Any other information as may be deemed by the control authority to be necessary to evaluate the permit application.

The control authority will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(4) Permit modifications. Within 9 months of the promulgation of a national categorical pretreatment standard, the industrial wastewater discharge permit of significant industrial users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a significant industrial user subject to a national categorical pretreatment standard, has not previously submitted an application for an industrial wastewater discharge permit as required by § 18-618(3), the significant industrial user shall apply for an industrial wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standards. In addition, any significant industrial user with an existing industrial wastewater discharge permit shall submit to the control authority within 180 days after the promulgation of an applicable national categorical pretreatment standard the information required by § 18-618(3)(h) and (i).

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

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports as required in § 18-618;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge;
- (i) Requirements for notification of the control authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- (j) Requirements for notification of excessive discharges such as described in § 18-613;
- (k) Requirement to immediately report any non-compliance to the control authority, and to immediately resample for parameter out of compliance in accordance with 40 CFR 403.12(g);
- (l) Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter.

(6) Permit 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 industrial user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements as identified in §§ 18-605 through 18-614 are modified or other just cause exists. The industrial user shall be informed of any proposed changes in his 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.

(7) Permit transfer. Industrial wastewater discharge permits are issued to a specific industrial user for a specific operation. An industrial

wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new industrial user, different premises, or a new or changed operation without the approval of the control authority. Any succeeding owner or industrial user shall also comply with the terms and conditions of the existing permit.

(8) Reporting requirements for permittee.

(a) Compliance date report. Within 90 days following the date for final compliance with applicable local, state or national pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to local, state or national pretreatment standards shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by local, state or national pretreatment standards and the average and maximum daily flow for these process units in the industrial user's facility which are limited by such local, state or national pretreatment standard. The report shall state whether the applicable local, state or national pretreatment standards are being met on a consistent basis and, if not what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable local, state or national pretreatment standards. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional engineer.

(b) Periodic compliance reports. (i) Any industrial user subject to a local, state or national 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 control authority during the months of June and December, unless required more frequently in the local, state or national pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such local, state or national pretreatment standards. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted. In addition, this report shall include a record of average and maximum daily flows which during the reporting period exceeded the average daily flow if measurement of wastewater discharge flow is different from water meter readings. The flow on the date of the sampling shall also be reported. All parameters listed on the industrial wastewater discharge permit must be sampled and analyzed. All reports submitted by the industrial user must include the certification required by 40 CFR



403.6(a)(2)(ii) and must bear the signature of an authorized representative of the industrial user pursuant to 40 CFR 403.12(l). All analyses must be performed by a certified laboratory. A chain of custody form must be submitted with all reports.

(ii) The control authority may impose mass limitations on industrial users which are using dilution to meet applicable local, state or national pretreatment standards, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (i) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user. These reports shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable local, state or national pretreatment standard.

(iii) All analyses 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 136 and amendments thereto. Sampling shall be performed in accordance with the techniques approved by the control authority, but shall consist of a minimum time proportional composite sample made up of a minimum of four grab samples.

(9) Monitoring facilities. The control authority may require to be provided and operated at the industrial user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. Monitoring facilities should normally be situated on the industrial user's premises, but the control authority may, when such a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area 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 expense of the industrial user.

Whether constructed on public or private property, sampling and monitoring facilities shall be provided in accordance with the control authority's requirements and all applicable local construction standards and specifications. Where required by the control authority, construction of monitoring facilities shall be completed within 90 days following written notification by the control authority.

(10) Inspection and sampling. The control authority shall inspect the facilities of any industrial 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 industrial wastewater is created or discharged shall allow the control authority or his representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The control authority, approval authority and U.S. Environmental Protection Agency shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the control authority, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities (40 CFR 403.12).

(11) Pretreatment. Industrial users shall provide necessary pretreatment as required to comply with this chapter and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the national pretreatment regulations. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the control authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an effluent as required under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the control authority prior to the industrial user's initiation of the changes.

(12) Confidential information. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the control authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

When requested by the person furnishing a 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 upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and/or the state pretreatment program; 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 control authority as confidential shall not be transmitted to any governmental agency or to the general public by the control authority until and unless a ten-day notification is given to the industrial user.

**18-619. Enforcement of industrial wastewater discharge permit.**

(1) Administrative enforcement remedies. (a) General. All administrative enforcement actions taken against a significant industrial user, including procedures, orders, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically TCA, § 69-3-123.

(b) Notification of violation. Whenever the control authority finds that any significant industrial user has violated or is violating this chapter, an industrial wastewater discharge permit or order issued hereunder, the control authority may serve upon said significant industrial user written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the control authority. Submission of this plan in no way relieves the significant industrial user of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The town is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the significant industrial user responsible for the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to § 18-618(1)(e).

(d) Show cause hearing. The control authority may order any significant industrial user which causes or contributes to violation of this chapter, industrial wastewater discharge permit, or order issued hereunder, to show cause before the town why a proposed enforcement action should not be taken. Hearings shall be conducted in accordance with the provisions of TCA, § 69-3-124. Notice shall be served on the significant industrial user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the significant industrial user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the significant industrial user.

Whether or not a duly notified significant industrial user appears as noticed, immediate enforcement action may be pursued.

(e) Compliance order. When the control authority finds that a significant industrial user has violated or continues to violate the chapter, an industrial wastewater discharge permit or order issued hereunder, the town may issue an order to the significant industrial user responsible for the discharge directing that, following at specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices. A compliance order may also contain a fine for noncompliance with the chapter or an industrial wastewater discharge permit.

(f) Cease and desist orders. When the control authority finds that a significant industrial user has violated or continues to violate this chapter, any industrial wastewater discharge permit or order issued hereunder, the town may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith.

(ii) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(g) Civil penalties. Notwithstanding any other section of this chapter, any significant industrial user who is found to have violated any provision of this chapter, industrial wastewater discharge permit, and/or orders issued hereunder, may be fined in an amount not to exceed ten thousand dollars (\$10,000.00) per violation in accordance with the provisions of TCA §§ 69-3-125, 126, 128 and 129 and 40 CFR 403.8(f)(1)(vi)(A). Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the significant industrial user's next scheduled sewer service charge and the town shall have such other collection remedies as are available to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual significant industrial user's property. Significant industrial users desiring to dispute such fines must file a request for the town to reconsider the fine within 30 days of being notified of the fine. Where the town believes a request has merit, the town shall convene a hearing on the matter within 15 days of receiving the request from the significant industrial user and a hearing will be held before the Mayor and Board of the Town of Halls in accordance with the provisions of TCA, § 69-3-124.

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

(ii) Any significant industrial user notified of a suspension of wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a significant industrial user's failure to immediately comply voluntarily with the suspension order, the control authority shall take such steps as deemed necessary, including immediate severance of the building sewer connection to the POTW, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The town shall allow the significant industrial user to recommence its discharge when the endangerment has passed unless the termination proceedings set forth in § 18-619(1)(i) are initiated against the significant industrial user.

(iii) A significant industrial user who is responsible, in whole or in part, for imminent endangerment shall submit to the control authority a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence within five days after notification of suspension of service.

(i) Termination of permit. Any significant industrial user who violates the following conditions of this chapter or an industrial wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

- (i) Violation of permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (iv) Refusal of reasonable access to the significant industrial user's premises for the purpose of inspection, monitoring or sampling.

Noncompliant significant industrial users will be notified of the proposed termination of their industrial wastewater discharge permit and be offered an opportunity to show cause under § 18-619(1)(d) of this chapter why the proposed action should not be taken.

(2) Judicial remedies. (a) General. If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the

provisions of this chapter or any order or industrial wastewater discharge permit issued hereunder, the town, through the town attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Lauderdale County. Any judicial proceedings and relief shall be in accordance with the provisions of TCA, § 69-3-127.

(b) Injunctive relief. Whenever a significant industrial user has violated or continues to violate the provisions of this chapter or an industrial wastewater discharge permit or order issued hereunder, the town, through the town attorney, may petition the court for the issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the significant industrial user.

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

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

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

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

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

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

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

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

(C) The significant industrial user properly notified the control authority as required by § 18-619(3)(b)(ii).

(ii) A significant industrial user must provide immediate notice to the control authority upon discovery of an unanticipated bypass. The control authority may require the significant industrial user to submit a written report explaining the cause(s), nature and duration of the bypass, and the steps being taken to prevent its recurrence.

(iii) A significant industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the pretreatment system. Significant industrial users anticipating a bypass must submit notice to the control authority at least 10 days in advance. The control authority may only approve the anticipated bypass if the circumstances satisfy the requirements set forth in § 18-619(3)(b)(i).

(4) Public notice of violations of industrial wastewater discharge permits. The control authority shall publish, at least annually, in the largest daily newspaper published in the municipality in which the POTW is located, a list of industrial users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

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

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

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

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

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

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

(g) Failure to accurately report non-compliance;

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



**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

1. ELECTRICITY.
2. GAS.

**CHAPTER 1**

**ELECTRICITY<sup>1</sup>**

**SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Electricity shall be furnished for the municipality and its inhabitants under such franchise as the board of mayor and aldermen shall grant.<sup>2</sup> The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

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<sup>1</sup>Municipal code reference  
Electrical code: title 12.

<sup>2</sup>The agreements are of record in the office of the recorder.

## CHAPTER 2

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

#### SECTION

- 19-201. Application for service.
- 19-202. Meter deposit may be required.
- 19-203. Meters to be owned by town; transfer of deposits.
- 19-204. Damage to meters; repair of meters; tampering with meters.
- 19-205. Meter failure.
- 19-206. Failure to receive bill; payment not excused.
- 19-207. Bills, fees, and charges; failure to pay; discontinuance of service.
- 19-208. Service of more than one consumer through a single meter.
- 19-209. Interruption of service.
- 19-210. Restriction, curtailment, or refusal of service.
- 19-211. Installation of gas lines in the development of subdivisions.

**19-201. Application for service.** Any application for natural gas service shall be made at the office of the recorder. (1980 Code, § 13-301)

**19-202. Meter deposit may be required.** For property owners, commercial, business, and residence tenants a gas meter deposit shall be made with the recorder at the discretion of the superintendent of the gas system and in a sum to be determined by the superintendent of the gas system according to the capacity and type of meter required and to the probable monthly consumption of gas by the customer. (1980 Code, § 13-302)

**19-203. Meters to be owned by town; transfer of deposits.** All meters shall remain the property of the town and may be removed from the property of the consumer at any time for the purpose of testing and repairing same or upon discontinuance of service. Meter deposits cannot be sold or transferred by one consumer to another except by consent of the recorder and then only after payment in full is made for gas consumed to date of such transfer. (1980 Code, § 13-303)

**19-204. Damage to meters; repair of meters; tampering with meters.** Consumers shall be held responsible for any damage done to meters on their premises from any cause other than ordinary wear and tear. The town shall keep all meters in repair and proper working condition without cost to the consumer except where the meter is damaged by neglect or fault of the

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<sup>1</sup>Municipal code reference  
Gas code: title 12.

consumer in which case the town shall collect from the consumer the cost of repairing or replacing any meter damaged while supplying the customer's premises. No consumer or other person shall repair or remove any meter or break any seal on a meter or cock nor tamper with or interfere with the proper registration of any meter. (1980 Code, § 13-304)

**19-205. Meter failure.** In case any meter shall stop or for any reason fail to register properly, or upon failure to read any meter, the superintendent may estimate the monthly bill on the basis of the average monthly quantity consumed during the past six (6) months. (1980 Code, § 13-305)

**19-206. Failure to receive bill; payment not excused.** Each person, firm, corporation, or legal entity liable therefor shall pay the monthly charges for gas even though a bill therefor may not have been received. (1980 Code, § 13-306)

**19-207. Bills, fees, and charges; failure to pay; discontinuance of service.** All bills, fees, and charges for natural gas shall be as fixed from time to time by the board of mayor and aldermen and shall become due and payable on the first day of each month next following date of meter reading and when said fees and charges are not paid on or before the 10th of each month, following the due date, there shall be added thereto a penalty of ten percent of the gross amount of the fees and charges, and the same shall be billed by and collected by the recorder from the persons, firms, corporations, or legal entities owing the same. It is provided further that natural gas service and natural gas shall be discontinued, at the discretion of the recorder, if the bill and charges are not paid for fifteen (15) days after the due date thereof and the discontinuance of said service and gas shall be done as herein provided without notice. In case service is discontinued for nonpayment of the bill, thereafter no gas shall be furnished such consumer until all accounts owed for gas, plus a shut-off and turn-on charge shall be paid. (1980 Code, § 13-307)

**19-208. Service of more than one consumer through a single meter.** If more than one tenant, owner, or other occupant of a residence, store room, building, or business location shall have gas delivered to him or her or to a business, partnership, firm, corporation, legal entity, or company through any one meter, in the case of failure of one or the other to pay all gas bills when due, then the landlord, owner, and tenant shall be held responsible for the payment of all gas bills which may become due the town. It is provided that, in no case, will the town or any member of the governing body or any town employee be permitted or expected to in any way adjust or pass judgment in the case of any disputes between any number of parties, persons, firms, companies, corporations, or legal entities regarding share, portion, or part of what amount of gas was delivered to them through any meter supplying any such group of

consumers. Provided that the superintendent of the gas department shall determine the number of meters to be used. It is further provided that the consumers and all other parties legally liable shall be responsible and liable for gas bills and charges as herein provided. (1980 Code, § 13-308)

**19-209. Interruption of service.** It is further provided that according to its source of supply and the condition of its natural gas system, the town and the gas department will make reasonable and proper effort to furnish natural gas to its consumers, but the town and the natural gas department make no guarantees to anyone as to supplying natural gas and the town shall not be liable to any person, firm, company, corporation, or legal entity for any loss or damage caused by failure or interruption of natural gas service. Use by anyone of natural gas from the town's natural gas system shall of itself be an acceptance of the foregoing stipulations. (1980 Code, § 13-309)

**19-210. Restriction, curtailment, or refusal of service.** It is further provided that the town reserves the right to restrict, curtail, or refuse natural gas service for good and sufficient reasons. (1980 Code, § 13-310)

**19-211. Installation of gas lines in the development of subdivisions.** In the development of subdivisions as defined in the Subdivision Regulations of the Town of Halls adopted in 1981, the Town of Halls shall provide the labor and install the required gas lines of Article V, paragraph A, with the subdivision developer to bear all other expenses associated with the gas lines, including the purchase of all materials. (as added by Ord. #19, April 2001; and Ord. #01-19B, June 2001)

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

1. AIRPORT RULES AND REGULATIONS.
2. TELEPHONE SERVICE.

**CHAPTER 1****AIRPORT RULES AND REGULATIONS****SECTION**

- 20-101. General rules and regulations.
- 20-102. Motor vehicles and mobile equipment.
- 20-103. Rules of conduct.
- 20-104. Fire hazards.
- 20-105. Aircraft operations.
- 20-106. Air traffic regulations.
- 20-107. Rotary wing aircraft operating rules.
- 20-108. Airport liability.
- 20-109. Penalties.

**20-101. General rules and regulations.** (1) Authority. The Town of Halls, Tennessee has been delegated all the powers given by the Code of Tennessee to owners of municipal airports.

(2) Operations. The Town of Halls, either directly or through its authorized representative may suspend or restrict any or all operations without regard to weather conditions whenever such actions are deemed necessary in the interest of safety.

(3) Conduct of business. (a) Commercial use. No person, firm or corporation shall use the airport as a base or terminal for carrying out of any aviation activities for which payment has been or is to be received without first securing a permit or contract from the Town of Halls and paying the fees and charges prescribed for such privileges.

(b) Concessions. No person shall engage in the sale of refreshments, gasoline, oil, or any other commodity, or of service or solicitation of funds from the public at the airport for any purpose. This prohibits distribution or display signs, advertisements, handbills, circulars, printed or written matter at the airport except with the written approval of the Town of Halls and in a manner prescribed and upon payment of the rates and charges set by the Town of Halls for such purpose.

(4) Roads, walks, ramps, taxiways, and runways. No person shall use the roads, walks, ramps, taxiways and runways in such a manner as to obstruct their proper use.

(5) Records. Every company or organization operating at the airport shall maintain an up to date file containing the name, address, telephone number and occupation of all employees, pilots and owner of aircraft based on its premises. This information shall be available to the Town of Halls on request.

(6) Construction, alterations, etc. No person shall do any construction, alteration work, or electrical wiring in or to any building on the airport's property without first securing written permission from the Town of Halls.

(7) Malfunctions. The malfunctioning of any airport equipment or building shall be reported to the Town of Halls in an effort to have the same corrected. The Airport Committee Chairman will be notified if additional action by the Airport Committee is deemed necessary. (Ord. of Sept. 8, 1987)

**20-102. Motor vehicles and mobile equipment.** (1) General. No person shall operate any motor vehicle on the airport's property except in a safe and reasonable manner.

(2) Ramps and aprons. No person shall operate any motor equipment on the ramps and aprons except on the following:

(a) Persons utilizing automotive equipment to actually service, load or unload an aircraft.

(b) Airport maintenance crews engaged in official duties.

(c) Gasoline or service trucks.

(d) Official airport vehicles.

(e) Official vehicles with mayor, aldermen, members of the Airport Committee, Industrial Development Board members, police and other officials on official business concerning or relating to the airport.

(3) Landing areas. No person except Federal Aviation Administration Personnel in official government vehicles and official airport vehicles shall be operated on the landing areas of the airport. Persons operating official vehicles on the landing areas of the airport shall notify the Town of Halls prior to entering the landing area and after leaving.

(4) Control. All motor vehicles and mobile equipment shall be operated so as to be under the safe control of their drivers at all times taking into consideration existing traffic and road conditions.

(5) Speed. All motor vehicles and mobile equipment shall be operated in no case at a speed in excess of 20 mph. except in an emergency.

(6) Accidents. All accidents and witnesses thereto in which a motor vehicle or mobile equipment is involved shall be reported promptly to the Town of Halls.

(7) Parking. Vehicles and equipment shall not be parked in the airport other than in a manner and at locations deemed safe to the operation of aircraft or as may be posted. Parking within the airport grounds are at owners risk.

(8) Intoxication. No person under the influence of liquor or narcotic drugs shall operate a motor vehicle or mobile equipment on the airport. (Ord. of Sept. 8, 1987)

**20-103. Rules of conduct.** (1) Rules of conduct. No person shall commit any disorderly, obscene or indecent act or commit any nuisance on the airport.

(2) Alcoholic beverages. No person shall consume alcoholic beverages or narcotic drugs anywhere on the airport. Persons under the influence of alcohol or narcotics will be refused admittance to any part of the airport.

(3) Property damage. Any and all airport property destroyed, injured or damaged by accident or otherwise, shall be paid for by the party or parties responsible for such destruction, injury, or damage thereto.

(4) Firearms, explosive and inflammable material. No person except peace officers, and FAA personnel duly authorized and members of the armed forces of the United States of America on official duty shall carry any firearms, explosives or inflammable materials at the airport without the written permission of the Town of Halls.

(5) Sanitation. (a) No person shall dispose of garbage, papers or refuse or other materials on the airport except in receptacles provided for that purpose.

(b) No person shall use restrooms other than in a proper and sanitary manner and shall not commit any nuisance in connection therewith.

(6) Use of ramps and aprons. No person shall be permitted to loiter or otherwise enter aircraft aprons, hangars, and ramps unless carrying out duties pertaining to the servicing of aircraft or equipment and when going and coming from aircraft. (Ord. of Sept. 8, 1987)

**20-104. Fire hazards.** (1) Smoking. No person shall smoke on the airport apron, in the hangars or in any other area in violation of posted "NO SMOKING" signs, and in no case at a distance less than 50 feet from any aircraft or storage area for inflammable materials.

(2) Storage. No person shall store or stock materials or equipment in such a manner unless it is in a suitable metal receptacle with self-closing covers for the storage of oily wastes, rags, and other rubbish. All such wastes shall be removed by lessee daily.

(3) Fire equipment. No person shall remove or cause to be removed from its holder, container, reel or bracket any equipment or device used in fire prevention except in case of an emergency.

(4) Elimination of fire hazards. All fire fighting apparatus shall be kept clear of obstructions at all times.

(a) When an agent of the town has notified any lessee, tenant, or other person at the airport to correct or eliminate any fire hazard on the airport for which he is responsible, such lessee, tenant or other person shall correct or eliminate such hazard in the manner and within the time prescribed in the notification received by him. (Ord. of Sept. 8, 1987)

**20-105. Aircraft operations.** (1) Airport property. All persons having entered upon the airport property shall be governed by the rules and regulation herein prescribed, and by instructions of the Town of Halls relative to the use or occupation of any part of the airport property.

(2) FAA air traffic rules. The air traffic rules as established by the Federal Aviation Administration and currently in effect, or as subsequently revised or amended, are hereby adopted by reference and made a part of these rules as fully as if the same and each and all of them were set forth herein.

(3) Tail skid. No aircraft equipped with a tail skid shall land or take off or be based on the airport unless prior permission from the airport manager is obtained.

(4) Aircraft storage and repair. Aircraft shall be stored or parked in spaces designated for that purpose by the airport committee.

(5) Securing of unattended aircraft. No aircraft shall be left unattended on the airport unless properly secured or within a hangar. Owners of such aircraft shall be held responsible for any damage resulting from failure to comply with this rule.

(6) Parking of aircraft. No aircraft shall be parked or left unattended unless reasonably clear of runways, taxiways, parking aprons, and buildings, unless permission is secured from the Town of Halls.

(7) Disabled aircraft. Aircraft owners, their agent or pilot shall be responsible for the prompt disposal of disabled aircraft and parts thereof on the airport unless required or directed to delay such action pending an investigation of an accident.

(8) Full control of aircraft required. All aircraft shall be taxied under full control at reasonable speeds. Following a landing or prior to takeoff as well as taxiing, the pilot shall assure himself that there is no danger of collision with other aircraft.

(9) Starting, running and warming of engine. No aircraft shall be started or run unless a competent operator shall be attending the controls. Blocks shall always be placed in front of the main landing wheels before starting the engine or engines, unless the aircraft is equipped with adequate locking brakes which are on. Engines shall not be operated in such a position that hangars, shops, or other buildings, spectators, automobiles or other aircraft shall be in the path of propeller wash.



(10) Proper consent and authority required. No person shall take or use any aircraft, aircraft parts, instruments or tools thereof owned, controlled or operated by any other person while such aircraft, aircraft parts, instruments or tools are stored, housed, or otherwise left on the airport or within its hangars or buildings without evidence of the right to do so duly presented to the attendant in charge.

(11) Accident reports. Witnesses of the participants of any accident on or within the airport shall make a full report thereof to the Town of Halls Airport Committee as soon after the accident as possible, giving the names, addresses and details of the accident.

(12) Damage to airport property. Any and all airport property destroyed, injured or damaged by accident or otherwise shall be paid for by the party or parties responsible for such destruction, injury or damage thereto.

(13) Glider operations. No glider or lighter-than-air operations shall take place from the airport except in cases of emergency or upon prior written approval of the Airport Committee.

(14) Parachute jumps. No parachute jumps shall take place at the airport except in the case of an actual emergency or upon prior written approval of the Town of Halls. (Ord. of Sept. 8, 1987)

**20-106. Air traffic regulations.** (1) Traffic patterns. Traffic patterns for the airport shall be standard left-hand traffic. Traffic altitude shall be 1,000 feet above airport elevation for heavy aircraft and 800 feet for light aircraft and helicopters.

(2) Taxi-patterns. Aircraft shall taxi to and from runways on approved taxiway. All pilots shall stop their aircraft before the yellow holding lines marked on the taxiway and clear himself before crossing a runway. Aircraft will clear the runway as soon as practicable after landing.

(3) Holding. All pilots shall park their aircraft before crossing holding lines marked on taxiway to check engines and shall park in such a position as to have full view of incoming and outgoing traffic. All landing aircraft in the pattern has priority over aircraft on the ground.

(4) Leaving traffic patterns. No turns shall be made after takeoff until boundary of the airport has been reached and a vertical altitude of at least 500 feet has been attained. This does not include agricultural aircraft operating off of Arnold Field Airport. All agricultural aircraft will turn as soon as practicable and exit in an area below normal traffic pattern altitude.

(5) Takeoffs and landings. All takeoffs and landings shall be made from the paved runway and in the direction indicated by the wind indicator and shall clear all roads on or off the airport by a vertical distance of at least 50 feet. All takeoffs and landings executed during the hours of darkness shall be made from the same lighted runway. It is not permissible to takeoff or land on the taxiway or on any portion of the old abandoned airbase.

(6) Aerobatics. No aircraft shall be flown within the airport control zone in maneuvers other than those required in normal operation.

(7) Safety. Pilots operating aircraft in the vicinity of and on Arnold Field Airport shall at all times do so in a manner that will insure maximum safety to other aircraft, property and persons. In the event that officials of the Town of Halls has reason to believe that aircraft have been operated within the control zone in a manner that is not deemed in the best interest of the general public, then the Town of Halls may exercise its rights as prescribed in § 20-109. (Ord. of Sept. 8, 1987)

**20-107. Rotary wing aircraft operating rules.** (1) Rotary wing aircraft (helicopters) are authorized to operate into and out of Arnold Field Airport in accordance with the following policies:

(a) That all such operations be for the specific purpose of discharging passengers, picking up passengers, conducting business at or from Arnold Field Airport.

(b) That no training operation, proficiency flying, etc., be conducted at anytime at Arnold Field Airport or within the airport control zone without permission from the Town of Halls. (Ord. of Sept. 8, 1987)

**20-108. Airport liability.** Neither the County of Lauderdale, the Town of Halls, their agents or employees shall be liable for loss, damage or injury to persons or property arising from accident, incident or mishap of any nature whatsoever and/or from any cause whatsoever to any individual, aircraft or property occurring on the airport or in the use of the airport facilities. (Ord. of Sept. 8, 1987)

**20-109. Penalties.** Any person operating or handling any aircraft, operating any vehicle equipment or apparatus or using the airport or any of its facilities in violation of any of these rules and regulations or refusing to comply therewith, may be promptly removed from the airport by or under the authority of the Town of Halls and such person may be deprived of and refused the further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interest therein. In addition to the above, any person who violates any of the rules or regulations contained in this Airport Code of the Town of Halls shall be guilty of a misdemeanor and upon conviction thereof, may be fined no less than \$5.00 nor more than \$50.00. (Ord. of Sept. 8, 1987)

**CHAPTER 2****TELEPHONE SERVICE****SECTION**

20-201. To be furnished under franchise.

**20-201. To be furnished under franchise.** Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the board of mayor and aldermen shall grant.<sup>1</sup> The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

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<sup>1</sup>The agreements are of record in the office of the recorder.

APPENDIX

A. OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN.

APPENDIX A

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND  
HEALTH PROGRAM FOR THE EMPLOYEES OF TOWN OF HALLS

<u>SECTION</u>	<u>PAGE</u>
I. PURPOSE AND COVERAGE .....	A-3
II. DEFINITIONS .....	A-4
III. EMPLOYER'S RIGHTS AND DUTIES .....	A-6
IV. EMPLOYEE'S RIGHTS AND DUTIES .....	A-7
V. ADMINISTRATION .....	A-8
VI. STANDARDS AUTHORIZED .....	A-9
VII. VARIANCE PROCEDURE .....	A-10
VIII. RECORDKEEPING AND REPORTING .....	A-11
IX. EMPLOYEE COMPLAINT PROCEDURE .....	A-12
X. EDUCATION AND TRAINING .....	A-13
XI. GENERAL INSPECTION PROCEDURES .....	A-14
XII. IMMINENT DANGER PROCEDURES .....	A-16
XIII. ABATEMENT ORDERS AND HEARINGS .....	A-17
XIV. PENALTIES .....	A-18
XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION .....	A-18
XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED ...	A-19

APPENDICES

I.	ORGANIZATIONAL CHART .....	A-20
II.	SAFETY AND HEALTH ORGANIZATIONAL CHART	
III.	EMPLOYEE NOTIFICATION .....	A-21
IV.	PROGRAM BUDGET .....	A-23
V.	ACCIDENT REPORTING PROCEDURES .....	A-24

I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the Town of Halls.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The Town of Halls in electing to update and maintain an effective occupational safety and health program for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational and health program.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints

concerning conditions or practices which may be injurious to employees' safety and health.

## II. DEFINITIONS

For the purposes of this program, the following definitions apply:

- a. "COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT" means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. "EMPLOYER" means the Town of Halls and includes each administrative department, board, commission, division, or other agency of the Town of Halls.
- c. "DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH" or "DIRECTOR" means the person designated by the establishing Ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of Town of Halls.
- d. "INSPECTOR(S)" means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. "APPOINTING AUTHORITY" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.
- f. "EMPLOYEE" means any person performing services for this employer and listed on the payroll of this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. "PERSON" means one or more individual, partnership, association, corporation, business trust, or legal representative of any organized group of persons.

- h. "STANDARD" means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. "IMMINENT DANGER" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. "ESTABLISHMENT" or "WORKSITE" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. "SERIOUS INJURY" or "HARM" means that type of harm that would cause permanent or prolonged impairment of the body in that:
  - 1. a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
  - 2. a part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. "ACT" or "TOSHAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. "GOVERNING BODY" means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.



- n. "CHIEF EXECUTIVE OFFICER" means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

### III. EMPLOYERS RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employer's place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this program are compiled with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this program.

#### IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the

- Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others or when a medical examination may be reasonably required for performance of a specific job.
  - k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director within twenty-four (24) hours after the occurrence.

## V. ADMINISTRATION

- a. The Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.
  - 1. The Director may designate person or persons as he deems necessary to carry out his powers, duties, responsibilities under this program.
  - 2. The Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Director.
  - 3. The Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.
  - 4. The Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
  - 5. The Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
  - 6. The Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any

- inspections required by complaints submitted by employees or inspections requested by employees.
7. The Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
  8. The Director shall maintain or cause to be maintained records required under Section VIII of this plan.
  9. The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
1. The administration or operational head shall follow the directions of the Director on all issues involving occupational safety and health of employees as set forth in this plan.
  2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
  3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
  4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

## VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

## VII. VARIANCE PROCEDURE

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
  1. A specification of the standard or portion thereof from which the variance is sought.
  2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
  3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
  4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
  5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employees notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:

1. The employer
  - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
  - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
  - iii. Has an effective program for coming into compliance with the standard as quickly as possible.
2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

#### VIII. RECORDKEEPING AND REPORTING

- a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 2003) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.
- b. The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix V to this plan.
- c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix V to this plan.

## IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period of correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related

correspondence with the Director and the Chief Executive Officer or the representative of the governing body.

- f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

## X. EDUCATION AND TRAINING

- a. Director and/or Compliance Inspector(s):

1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, writing technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

- b. All Employees (including Managers Supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury. (Such as falls, electrocution, crushing injuries, (e.g., trench cave-ins), and being struck by material or equipment).
2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances (including carbon monoxide and chlorine) in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure,



and the first aid procedures to be followed in the event of injury or exposure.

4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
  - i. "Confined or enclosed space" means having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
  - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
  - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

## XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will

be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Director and/or Compliance Inspector(s), if appointed, is authorized:
  1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
  2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of inspections
  1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.
  2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection

- or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
    - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
    - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.
  - i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

## XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
  - 1. The Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
  - 2. If the alleged imminent danger situation is determined to have merit by the Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
  - 3. As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge or the worksite shall be requested to remove employees from the area, if deemed necessary.
  - 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the

manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.

5. The imminent danger shall be deemed abated if:
  - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
  - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
6. A written report shall be made by or to the Director describing in detail the imminent danger and its abatement. This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.

b. Refusal to Abate.

1. Any refusal to abate an imminent danger situation shall be reported to the Director and Chief Executive Officer immediately.
2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

### XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:
  1. Issue an abatement order to the head of the worksite.
  2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
  1. The standard, rule, or regulation which was found to be violated.
  2. A description of the nature and location of the violation.

3. A description of what is required to abate or correct the violation.
  4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

#### XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
  1. Oral reprimand.
  2. Written reprimand.
  3. Suspension for three (3) or more working days.
  4. Termination of employment.

#### XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED.

- a. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.
- b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, Ordinance or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

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Signature: Director, Occupational Safety and Health      Date

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN--APPENDIX I  
ORGANIZATIONAL CHART

(For this section make a list of each work location wherein city employees work, such as City Hall, Water Plant, Police Department, City Garage, etc., the address for the workplace, phone number at that workplace and number of employees who work there.)

City Hall - 4 employees  
 208 N. Church St.  
 Halls, TN 38040  
 731-836-9653

Waterplant - 2 employees  
 208 N. Church St.  
 Halls, TN 38040  
 731-836-9653

Police Department  
 102 S. Front St. - 7 full time  
 Halls, TN 38049 6 part time  
 731-836-1016 13 employees

Senior Center 1 full time  
 605 Airport St. 2 part time  
 Halls, TN 38040 3 employees

Public Works 8 full time  
 940 Industrial Rd. 1 part time  
 Halls, TN 38040 9 employees  
 731-836-7379

Volunteer Fire Dept. 17 Volunteer  
 111 N. Front St. Firemen  
 Halls, TN 38040

TOTAL NUMBER OF EMPLOYEES 48

(Once each work location has been listed, record the total number of employees that the city employes.)

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN--APPENDIX III

NOTICE TO ALL EMPLOYEES OF Town of Halls

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that area causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director or Board of Mayor and Aldermen.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.



Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Board of Mayor and Aldermen for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of the Town of Halls available for inspection by any employee at City Hall during regular office hours.

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Signature: Official

Date

OCCUPATIONAL SAFETY AND HEALTH PLAN

APPENDIX IV

PROGRAM BUDGET

1. Prorated portion of wages, salaries, etc. for program administration and support
2. Office space and office supplies
3. Safety and health educational materials and support for education and training
4. Safety devices for personnel safety and health
5. Equipment modifications
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions
10. Reserve fund for the program
11. Contingencies and miscellaneous

TOTAL ESTIMATED PROGRAM FUNDING:

ESTIMATE OF TOTAL BUDGET FOR:

## OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

### ACCIDENT REPORTING PROCEDURES

Note: All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported by phone to the Commissioner of Labor and Workforce Development within eight (8) hours.

There are six important steps required by the OSHA recordkeeping system:

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid).
2. Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on worker's compensation reports giving the same information.
4. Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.
5. Retain these records for at least 5 years.
6. Complete the Survey of Occupational Injuries/Illness and mail it to Labor Research and Statistics, when requested.

The four (4) procedures listed below are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

(1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.

(16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours

after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with assistance of the Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.
- (51-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head is to be notified of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers' Compensation Form C20 or OSHA NO. 301 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under PROGRAM PLAN in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation.

ORDINANCE NO. 98-4

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF HALLS TENNESSEE.**

WHEREAS some of the ordinances of the Town of Halls are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the Town of Halls, 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 "Halls Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF HALLS, TENNESSEE, THAT:

**Section 1. Ordinances codified.** The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Halls 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 town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed,

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

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

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."<sup>1</sup>

When a civil penalty is imposed on any person 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

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

civil 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.

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

**Section 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

**Section 7. Reproduction and amendment of code.** The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

**Section 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

**Section 9. Code available for public use.** A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.



**Section 10. Date of effect.** This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, May 4, \_\_\_\_\_, 1998.

Passed 2nd reading, June 8 \_\_\_\_\_, 1998.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder

After the roll call count vote Mayor Pugh declared this being the second and final reading the ordinance adopted.