THE
MONTEAGLE
MUNICIPAL
CODE

Prepared by the

Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

July 2016

TOWN OF MONTEAGLE, TENNESSEE

MAYOR
Marilyn Campbell Rodman

VICE MAYOR
Alexander Orr

ALDERMEN
Rusty Leonard

Harry Parmley

Alvin Powell

RECORDER
Debbie Taylor

PREFACE

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if

justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of the codes team: Kelley Myers, Linda Winstead, Nancy Gibson and Sandy Selvage, is gratefully acknowledged.

Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE TOWN CHARTER

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

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

TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER

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

---

[1]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 and other utility code inspectors and slum clearance public officer: titles 12 and 13.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
Zoning: title 14.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN[1]

SECTION

1-101. Composition of board of mayor and aldermen.
1-102. Time and place of regular meetings.
1-103. Order of business.
1-104. General rules of order.
1-105. Town election.

1-101. Composition of board of mayor and aldermen. The board of mayor and aldermen shall consist of a mayor and four (4) aldermen who shall be elected by the qualified voters of the Town of Monteagle. (1989 Code, § 1-101)

1-102. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the last Monday of each month at the town hall. (1989 Code, § 1-102, as amended by Ord. #08-14, July 2013)

1-103. 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.

---

[1]Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapters 1 through 3. For specific charter provisions on the following subjects related to the board of mayor and aldermen, see the sections indicated.

Conflicts of interest: § 6-2-402.
Compensation: § 6-2-401.
Election: § 6-1-401.
Oath: § 6-1-401.
Ordinance procedure:
  Publication: § 6-2-102.
  Readings: § 6-2-402.
Residence requirement: § 6-1-402.
Restrictions on expenditures: §§ 6-2-301 through 6-2-303.
Taxation: § 6-2-301.
Terms of office: § 6-1-403.
Vacancies in office: § 6-1-405.
Vice mayor: § 6-1-405.

(2) Roll call by the recorder.
(3) Approval of minutes of the previous meetings.
(4) Citizens' comments.
(5) Communications from the mayor.
(6) Reports from committees, members of the board of mayor and aldermen, and other officers.
(7) Old business.
(8) New business.
(9) Adjournment.
(1989 Code, § 1-103, modified)

1-104. 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. (1989 Code, § 1-104)

1-105. Town election. (1) The date of the town election for town commissioners shall be November of every even numbered year.

(2) The election of the Town of Monteagle Board of Mayor and Aldermen, beginning with the election of 2012, shall be as follows: The mayor and the two (2) aldermanic candidates receiving the highest vote totals shall serve a term of four (4) years, and their successors shall serve a term of four (4) years thereafter. The two (2) aldermanic candidates receiving the lowest number of votes shall serve a term of two (2) years. Thereafter, beginning with the election of 2014, the two (2) aldermanic positions where the candidates received the lowest vote total in the 2012 election shall be elected to serve a four (4) year term. Thus, the Town of Monteagle will hold an election every two (2) years with the mayor and two (2) aldermen elected to a four (4) year term in one (1) election and the other two (2) aldermen elected to a four (4) year term in the next election. (1989 Code, § 1-105, as amended by Ord. #10-28, March 2010, modified)

CHAPTER 2

MAYOR[1]

SECTION

1-201. Generally supervises town's affairs.
1-202. Executes town's contracts.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1989 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1989 Code, § 1-202)

---

[1]Charter references

For charter provisions related to the mayor, see Tennessee Code Annotated, Title 6, Chapters 1 through 3. For specific charter provisions on the following subjects related to the mayor, see the section indicated:

Conflicts of interest: § 6-2-401.
Compensation: § 6-2-401.
Election: § 6-1-401.
Oath: § 6-1-404.
Powers and duties: § 6-1-406.
Residence requirements: § 6-1-402.
Term of office: § 6-1-403.
Vacancy in office: § 6-1-405.

CHAPTER 3

RECORDER[1]

SECTION

1-301. To be bonded.
1-302. To keep minutes, etc.
1-303. To perform general administrative duties, etc.
1-304. To act as treasurer.

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. (1989 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. (1989 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (1989 Code, § 1-303)

1-304. To act as treasurer. The town recorder of the Town of Monteagle is hereby designated as treasurer of the town as allowed by the provisions of Tennessee Code Annotated, § 6-4-401(c). (Ord. #04-13, April 2013)

---

[1]Charter references

The only charter provisions which directly mention the recorder are contained in the following sections of Tennessee Code Annotated:

Judicial functions: § 6-2-403.

Signs warrants drawn on treasury: § 6-1-406.

CHAPTER 4

CODE OF ETHICS

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 nonvoting 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.

1-401. Applicability. This chapter constitutes the code of ethics for officials and employees of the Town of Monteagle. 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 town. The words "municipal" and "municipality" include these separate entities. (Ord. #07-19, June 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 town board not otherwise regulated by state statutes on conflicts of interest;

(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. (Ord. #07-19, June 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 from voting on the measure. (Ord. #07-19, June 2007)

1-404. Disclosure of personal interest in nonvoting 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 official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #07-19, June 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 town:

(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 town business. (Ord. #07-19, June 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. (Ord. #07-19, June 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 town. (Ord. #07-19, June 2007)

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

(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 town. (Ord. #07-19, June 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 town position or conflicts with any provision of the town's charter or any ordinance or policy. (Ord. #07-19, June 2007)

1-410. Ethics complaints. (1) The town attorney is designated as the ethics officer of the town. 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 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 that the town council hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the town council, the town council 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 town council.

(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, rules or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than a violation of this code of ethics. (Ord. #07-19, June 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 town's charter or other applicable law and in addition is subject to censure by the town council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #07-19, June 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3

MUNICIPAL COURT

CHAPTER
1. TOWN COURT.

CHAPTER 1

TOWN COURT[1]

SECTION
3-101. Town judge.
3-102. Maintenance of docket.
3-103. Issuance of summonses.
3-104. Issuance of subpoenas.
3-105. Imposition of fines, penalties, and costs.
3-106. Appeals.
3-107. Disposition and report of fines, penalties, and costs.
3-108. Disturbance of proceedings.

3-101. Town judge. The officer designated by the charter to handle judicial matters within the town shall preside over the town court and shall be known as the town judge. (1989 Code, § 3-101)

3-102. Maintenance of docket. The town 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; and all other information which may be relevant. (1989 Code, § 3-102, modified)

3-103. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the town court at a time specified therein to answer to the charges against him. The summons shall contain a brief

---

[1]Charter references
For charter provisions respectively giving the mayor and the recorder, or some other properly appointed person, judicial authority, including jurisdiction concurrent with that of a sessions court, see Tennessee Code Annotated, §§ 6-1-406 and 6-2-403.

description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1989 Code, § 3-104)

3-104. Issuance of subpoenas. The town judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1989 Code, § 3-105)

3-105. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the town judge on the town court docket in open court.

(1) In all cases heard or determined by him, the town judge shall impose court costs. One dollar ($1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks, as required by the Municipal Court Reform Act.

(2) Town litigation tax. On cases in town court there is hereby levied a town litigation tax to match the state litigation tax of thirteen dollars and seventy-five cents ($13.75).

(3) Electronic citations. As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense. Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), the court shall charge and collect an electronic citation fee of five dollars ($5.00) for each citation which results in a conviction.

The privilege taxes levied pursuant to this subsection shall be paid to the town recorder monthly to be used to assist in paying for the operation of town court and for the police department. (1989 Code, § 3-107, as amended by Ord. #07-18, March 2007, modified)

3-106. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days[1] next after such

---

[1]State law reference

Tennessee Code Annotated, § 27-5-101.

judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1989 Code, § 3-108)

3-107. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1989 Code, § 3-110)

3-108. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1989 Code, § 3-111)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. PERSONNEL POLICIES AND PROCEDURES.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. INFECTIOUS DISEASE CONTROL POLICY.

CHAPTER 1

SOCIAL SECURITY

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.
4-106. Exemptions from coverage.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this town to provide for all eligible employees and officials of the town, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1989 Code, § 4-101)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1989 Code, § 4-102)

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, and shall be paid over to the state or federal agency designated by said laws or regulations. (1989 Code, § 4-103)

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, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1989 Code, § 4-104)

4-105. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1989 Code, § 4-105)

4-106. Exemptions from coverage. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not covered or authorized to be covered by applicable state and federal laws or regulations or by any other ordinance or any other retirement system. (1989 Code, § 4-106)

CHAPTER 2

PERSONNEL POLICIES AND PROCEDURES

SECTION

4-201. Personnel regulations.

4-201. Personnel regulations. Personnel policies and procedures for the Town of Monteagle (and any amendments) are available for review in the office of the town recorder.

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-301. Title.
4-302. Purpose.
4-303. Coverage.
4-304. Standards authorized.
4-305. Variances from standards authorized.
4-306. Administration.
4-307. Funding the program.

4-301. Title. This chapter shall provide authority for administering the Occupational Safety and Health Program for the employees of Monteagle. (Ord. #03-08, April 2013)

4-302. Purpose. The Town of Monteagle, 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 healthy 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.

(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 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. (Ord. #03-08, April 2013)

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Monteagle shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Monteagle whether part-time, full-time, seasonal or permanent. (Ord. #03-08, April 2013)

4-304. Standards authorized. The occupational safety and health standards adopted by the Town of Monteagle 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 972.[1] (Ord. #03-08, April 2013)

4-305. Variances from standards authorized. The Town of Monteagle 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 Town of Monteagle 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 Town of Monteagle shall be deemed sufficient notice to employees. (Ord. #03-08, April 2013)

4-306. Administration. For the purpose of this chapter, the safety officer 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 said chapter. 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

---

[1]State law reference
Tennessee Code Annotated, title 50, chapter 13.

IV of the Tennessee Occupational Safety and Health Plan. (Ord. #03-08, April 2013)

4-307. Funding the program. Sufficient funds for administering and staffing the program pursuant to his chapter shall be made available as authorized by the Town of Monteagle. (Ord. #03-08, April 2013)

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

4-401. General information.
4-402. General policies and procedures.
4-403. Vaccinations, testing and post-exposure management.
4-404. Training.
4-405. Records and reports.
4-406. Legal rights of victims of communicable diseases.
4-407. Amendments, repeals and effective date.

4-401. General information. (1) Purpose. It is the responsibility of the Town of Monteagle to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Monteagle, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB).

(2) Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to infectious material from potentially infected individuals. Those high risk occupations include but are not limited to:

(a) Paramedics and emergency medical technicians;
(b) Occupational nurses;
(c) Housekeeping and laundry workers;
(d) Police and security personnel;
(e) Firefighters;
(f) Sanitation and landfill workers; and
(g) Any other employee deemed to be at high risk per this policy and an exposure determination.

(3) Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibility:

(a) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this

chapter, other ordinances, the town charter, and federal and state law relating to OSHA regulations;

(b) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;

(c) Maintain records of all employees and incidents subject to the provisions of this chapter;

(d) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;

(e) Coordinate and document all relevant training activities in support of the infection control policy.

(f) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;

(g) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and

(h) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen.

(4) Definitions. (a) "Body fluid." Fluids that have been recognized by the Centers for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(b) "Exposure." The contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(c) "Hepatitis B Virus (HBV)." A serious blood-borne virus with potentially life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(d) "Human Immunodeficiency Virus (HIV)." The virus that causes Acquired Immunodeficiency Syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(e) "Tuberculosis (TB)." An acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(f) "Universal precautions" refers to a system of infectious disease control which assumes that every direct contact with body fluids is infectious and requires every employee exposed to direct contact with

potentially infectious materials to be protected as through such body fluid were HBV or HIV infected. (Ord. #93-02, June 1993)

4-402. General policies and procedures. (1) Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Centers for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood.

(2) General guidelines. General guidelines which shall be used by everyone include:

(a) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(b) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(c) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or hand washing facilities are not available, then use a water less antiseptic hand cleaner according to the manufacturers recommendation for the product.

(d) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(e) The town will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or other potentially infectious materials to which universal precautions apply:

(i) While handling an individual where exposure is possible;

(ii) While cleaning or handling contaminated items or equipment;

(iii) While cleaning up an area that has been contaminated with one (1) of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employee shall not wash or disinfect surgical or examination gloves for reuse.

(f) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contract with a victim's blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel who provide or potentially provide emergency treatment.

(g) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(h) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other potentially infectious materials.

(i) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (one (1) part chlorine to ten (10) parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for at least thirty (30) seconds. A solution must be changed and re-mixed every twenty-four (24) hours to be effective.

(j) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at one hundred twenty degrees (120°) are adequate for decontamination.

(k) Place all disposable equipment (gloves, masks, gowns, etc.) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp objects must be placed in an impervious container and properly dispose of the objects.

(l) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(i) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD," or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(ii) The signal word shall be readable at a minimum distance of five feet (5') or such greater distance as warranted by the hazard.

(iii) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(m) Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

(n) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #93-02, June 1993)

4-403. Vaccinations, testing and post-exposure management.

(1) Hepatitis B vaccinations. The Town of Monteagle shall offer the appropriate Hepatitis B vaccination to employee at risk of exposure free of charge and in amounts at times prescribed by standard medial practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the infectious disease control coordinator.

(2) Reporting potential exposure. Town employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc.):

(a) Notify the infectious disease control coordinator of the contact incident and details thereof.

(b) Complete the appropriate accident reports and any other specific form required.

(c) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to Human Immunodeficiency Virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided.

(3) Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the Hepatitis B vaccine should receive the vaccine series. A single dose of Hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to Hepatitis B surface antigen (anti-HBs), and given one (1) dose of vaccine and one (1) dose of HBIG if the antibody level in the worker's blood sample is inadequate (i.e., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the Hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who reuses testing or is not identifiable should be individualized.

(4) Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within twelve (12) weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested six (6) weeks, twelve (12) weeks, and six (6) months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first six to twelve (6 - 12) weeks after exposure) exposed workers should follow the U.S. Public Health Service recommendation for preventing transmission of HIV. These include refraining from blood donations

and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing twelve (12) weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the town to all workers who may be concerned they have been infected with HIV through an occupational exposure.

(5) Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Workers' Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303. (Ord. #93-02, June 1993)

4-404. Training. (1) Regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious material. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.

(2) High risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated materials as per this policy.

(3) New employees. During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (Ord. #93-02, June 1993)

4-405. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e., gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc.) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the town be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #93-02, June 1993)

4-406. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officers who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and/or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the town attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the town attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstances, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or town attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not

make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify their employees, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (Ord. #93-02, June 1993)

4-407. Amendments, repeals and effective date. (1) Amendments. Amendments or revisions of these rules may be recommended for adoption by any elected official or by department heads. Such amendments or revisions of these rules shall be by ordinance and shall become effective after public hearing and approval by the governing body.

(2) Repeal. If any provision of this chapter, or if any policy or order thereunder, or the application of any provision to any person or circumstances is held invalid, the remainder of the chapter, and the application of the provision of this chapter, or of the policy or order to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

(3) Effective date. This chapter shall take effect fifteen (15) days from and after the first passage of the ordinance comprising this chapter, or upon final passage, whichever is later, the public welfare requiring it. (Ord. #93-02, June 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER

1. MISCELLANEOUS.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.
4. HOTEL-MOTEL OCCUPANCY PRIVILEGE TAX.
5. CAPITAL ASSET REPLACEMENT PROGRAM.
6. PURCHASING POLICY.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Designated signors for the town.

5-101. Designated signors for the town. All members of the board of mayor and aldermen are hereby designated to be signors on any account in any financial institution. The mayor and vice-mayor are authorized to counter-sign checks in conjunction with the alderman, two (2) signatures being required for the withdrawal of funds. (Ord. #04-13, April 2013, modified)

---

[1]Charter references

Charter provisions on taxation and expenditures are contained in Tennessee Code Annotated, title 6, chapter 2, part 3. For specific charter provisions on finance and taxation, see the section indicated:

Restriction on expenditures: §§ 6-2-301 through 6-2-303.

Restriction on property tax exemptions: § 6-2-305.

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, title 67, chapter 58) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the act. (1989 Code, § 5-101)

5-202. License required. No person shall exercise any such privilege within the town 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. (1989 Code, § 5-102)

CHAPTER 3

WHOLESALE BEER TAX

SECTION
5-301. To be collected.

5-301. To be collected. The town recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.[1] (1989 Code, § 5-201)

---

[1]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.

CHAPTER 4

HOTEL-MOTEL OCCUPANCY PRIVILEGE TAX[1]

SECTION

5-401. Hotel-motel tax established.
5-402. Use of tax revenues.
5-403. Limitations.

5-401. Hotel-motel tax established. A privilege tax on the occupancy of any and all hotel and motel rooms in the Town of Monteagle established at a rate of three percent (3%) of the consideration charged by the operator for the rental of said rooms. (1989 Code, § 5-301)

5-402. Use of tax revenues. The revenues received by the Town of Monteagle from the establishment of this tax shall be deposited in the general fund and used in the general budget. (1989 Code, § 5-302)

5-403. Limitations. The definitions, liabilities, collections, and all other factors associated with the aforementioned tax shall be controlled by Senate Bill No. 2219, Private Chapter No. 224, of the Private Acts of 1984. (1989 Code, § 5-303)

---

[1]Charter reference

This hotel-motel occupancy privilege tax was authorized by Private Acts 1981, Chapter 45, as replaced by Private Acts 1984, Chapter 224.

CHAPTER 5

CAPITAL ASSET REPLACEMENT PROGRAM

SECTION

5-501. Established.
5-502. Annual depreciation cost.
5-503. General government capital assets defined.
5-504. Expenditures.

5-501. Established. There is hereby established a capital asset replacement fund for the Town of Monteagle. Funds deposited therein shall be used for no other purpose than the purchase of general government capital assets such as buildings, vehicles, equipment and infrastructure. To provide for an operational fund of one million two hundred and two thousand six hundred sixty one dollars ($1,202,661.00) is hereby deposited in the capital asset replacement fund. Any interest accumulated in the fund shall become a part of the capital asset replacement fund. (Ord. #02-12, Feb. 2012)

5-502. Annual depreciation cost. Upon purchase of a capital asset, the annual depreciation cost of capital assets of the general government (excluding the water and sewer fund) for the year shall hereby be deposited in the capital asset replacement fund from the general fund, drug control fund, street aid fund and any other special revenue fund that may be established for their respective assets. The money from respective funds shall not be commingled, in accordance with state law. (Ord. #02-12, Feb. 2012, modified)

5-503. General government capital assets defined. For the purpose of this chapter "general government capital assets" shall be defined as assets, which include property, buildings, equipment, and infrastructure assets (e.g., primary roads, secondary roads, drainage), with an initial individual cost of more than five thousand dollars ($5,000.00) and an estimated useful life in excess of two (2) years. Such assets shall be recorded at historical cost. Donated capital assets shall be recorded at estimated fair market value at the date of donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not considered capital assets. Depreciation of these capital assets is computed and recorded by the straight-line method over the estimated useful lives of the assets. Estimated useful lives of the various classes of depreciable capital assets are as follows:

Buildings	5-40 years
Furniture, fixtures, equipment and vehicles	3-10 years
Infrastructure	20 years.

(Ord. #02-12, Feb. 2012)

5-504. <u>Expenditures</u>. Expenditures of this fund shall be approved annually in the budget adopted by the board of mayor and aldermen. All purchases made by this fund shall be made in accordance with the Town of Monteagle's purchasing policies. (Ord. #02-12, Feb. 2012)

CHAPTER 6

PURCHASING POLICY

SECTION

5-601. Definitions.
5-602. General procedures.
5-603. Rejection of bids.
5-604. Conflict of interest.
5-605. Purchasing from employees.
5-606. Sealed bid requirements $10,000.00 or greater.
5-607. Competitive bidding $2,500.00 to $10,000.00.
5-608. Purchases and contracts $1,500.00 to $2,500.00.
5-609. Purchases and contracts costing less than $1,500.00.
5-610. Bid deposit.
5-611. Performance bond.
5-612. Record of bids.
5-613. Considerations in determining bid awards.
5-614. Award in case of tie bids.
5-615. Back orders.
5-616. Emergency purchases.
5-617. Waiver of the competitive bidding process.
5-618. Goods and services exempt from competitive bidding.
5-619. Split invoices.
5-620. Protested bids.
5-621. Procedures upon taking delivery of purchased items.
5-622. Property control.
5-623. Disposal of surplus property.
5-624. Employee participation in disposal of surplus property.
5-625. Surplus property; items consumed in the course of work thought to be worthless.
5-626. Surplus property; items estimated to have monetary value.
5-627. Surplus property; town identification removed prior to sale.
5-628. Liability for excess purchases.
5-629. Additional forms and procedures.

5-601. Definitions. For the purpose of implementing this chapter the following definitions shall apply:

(1) "Accept." To receive with approval or satisfaction.

(2) "Acknowledgment." Written confirmation from the vendor to the purchaser of an order implying obligation or incurring responsibility.

(3) "Agreement." A coming together in opinion or determination, understanding and agreement between two (2) or more parties.

(4) "All or none." In procurement, the town reserves the right to award each item individually or to award all items on an all or none basis.

(5) "Annual." Recurring, done, or performed every year.

(6) "Appropriations." Public funds set aside for a specific purpose or purposes.

(7) "Approved." To be satisfied with; admit the propriety or excellence of; to be pleased with; to confirm or ratify.

(8) "Approved equal." Alike; uniform; on the same plane or level with regard to efficiency, worth, value, amount or rights.

(9) "Attest." To certify to the verity of a public document formally by signature; to affirm to be true or genuine.

(10) "Award." The presentation of a contract to a vendor; to grant; to enter into with all required legal formalities.

(11) "Awarded bidder." Any individual, company, firm, corporation, partnership or other organization to whom an award is made by the town.

(12) "Back order." The portion of a customer's order undelivered due to temporary unavailability of a particular product or material.

(13) "Bid." A vendor's response to an invitation to bids or request for proposal; the information concerning the price or cost of materials or services offered by a vendor.

(14) "Bidder." Any individual, company, firm, corporation, partnership or other organization or entity bidding on solicitations issued by the town and offering to enter into contracts with the town.

(15) "Bid bond." An insurance agreement in which a third party agrees to be liable to pay a certain amount of money should a specific vendor's bid be accepted and the vendor fails to sign the contract as bid.

(16) "Bid file." A folder containing all of the documentation concerning a particular bid. This documentation includes the names of all vendors to whom the invitation to bid was mailed, the responses of the vendors, the bid tabulation forms and any other information as may be necessary.

(17) "Bid opening." The opening and reading of the bids, conducted at the time and place specified in the invitation for bids and in the presence of anyone who wishes to attend.

(18) "Bid solicitation." Invitations for bids.

(19) "Blanket bid order." A type of bid used by buyers to purchase repetitive products. The town establishes its need for a product for a specified period of time. The vendor is then informed of the town's expected usage during the duration of the proposed contract. The town may then order small quantities of these items from the vendor, at the bid price, over the term of the contract.

(20) "Business." Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or legal entity through which business is conducted.

(21) "Cancel." To revoke a contract or bid.

(22) "Capital items." Equipment which has a life expectancy of one (1) year or longer and a value in excess of five thousand dollars ($5,000.00). Additionally, real estate shall be considered a capital item.

(23) "Cash discount." a discount from the purchase price allowed to the purchaser if payment is made within a specified period of time.

(24) "Caveat emptor." Let the buyer beware; used in proposals or contracts to caution a buyer to avoid misrepresentation.

(25) "Certify." To testify in writing; to make known or establish as a fact.

(26) "City." The Town of Monteagle, Tennessee.

(27) "Competitive bidding." Bidding on the same undertaking or material items by more than one (1) vendor.

(28) "Conspicuously." to be prominent or obvious; located, positioned, or designed to be noticed.

(29) "Construction." The building, alteration, demolition, or repair of public buildings, structures, highways and other improvements or additions to real property.

(30) "Contract." An agreement, grant, or order for the procurement, use or disposal of supplies, services, construction, insurance, real property or any other item.

(31) "Date." Recorded information, regardless of form or characteristic.

(32) "Delivery schedule." The required or agreed upon rate of delivery of goods or services.

(33) "Discount for prompt payment." A predetermined discount offered by a vendor for prompt payment.

(34) "Encumber." To reserve funds against a budgeted line item; to charge against an account.

(35) "Evaluation of bid." The process of examining a bid to determine a bidder's responsibility, responsiveness to requirements, qualifications, or other characteristics of the bid that determine the eventual selection of a winning bid.

(36) "Fiscal year." An accounting period of twelve (12) months, July 1 through June 30.

(37) "F.O.B. destination." An abbreviation for free on board that refers to the point of delivery of goods. The seller absorbs the transportation charges and retains title to and responsibility for the goods until the Town of Monteagle, Tennessee has received and signed for the goods.

(38) "Goods." All materials, equipment, supplies, and printing.

(39) "Invitation for bid." All documents utilized for soliciting bids.

(40) "Invoice." A written account of merchandise and process, delivered to the purchaser; a bill.

(41) "Lead time." The period of time from the date of ordering to the date of delivery which the buyer must reasonably allow the vendor to prepare goods for shipment.

(42) "Life cycle costing." A procurement technique that considers the total cost of purchasing, maintaining, operating, and disposal of a piece of equipment when determining the low bid.

(43) "Local bidder." A bidder who has and maintains a business office located within the corporate town limits of the Town of Monteagle, Tennessee.

(44) "Material receiving report." A form used by the department head or supervisor to inform others of the receipt of goods purchased.

(45) "Performance bond." A bond given to the purchaser by a vendor or contractor guaranteeing the performance of certain services or delivery of goods within a specified period of time. The purpose is to protect the purchaser against a cash loss which might result if the vendor did not deliver as promised.

(46) "Pre-bid conference." A meeting held with potential vendors a few days after an invitation for bids has been issued to promote uniform interpretation of work statements and specifications by all prospective contractors.

(47) "Procurement or purchasing." Buying, renting, leasing, or otherwise obtaining supplies, services, construction, insurance or any other item. It also includes functions that pertain to the acquisition of such supplies, services, construction, insurance and other items, including descriptions of requirements, selection and solicitation of sources, preparation and award of contracts, contract administration, and all phases of warehousing and disposal.

(48) "Public." Open to all.

(49) "Public purchasing unit." Means the State of Tennessee, any county, city, town, governmental entity and other subdivision of the State of Tennessee, or any public agency, or any other public authority.

(50) "Purchasing order." A legal document used to authorize a purchase from a vendor. A purchase order, when given to a vendor, should contain statements about the quantity, description, and price of goods or services ordered, agreed terms of payment, discounts, date of performance, transportation terms, and all other agreements pertinent to the purchase and its execution by the vendor.

(51) "Reject." Refuse to accept, recognize, or make use of; repudiate, to refuse to consider or grant.

(52) "Responsive bidder." One who has submitted a bid which conforms in all materials and respects to the invitation for bids.

(53) "Sealed." Secured in any manner so as to be closed against the inspection of contents.

(54) "Sole source procurement." An award for a commodity which can only be purchased from one (1) supplier, usually because of its technological, specialized, or unique character.

(55) "Specifications." Any description of the physical or functional characteristics of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

(56) "Standardization." The making, causing, or adapting of items to conform to recognized qualifications.

(57) "Telephone bids." Contacting at least two (2) vendors to obtain verbal quotes for items of a value of less than ten thousand dollars ($10,000.00).

(58) "Town." The Town of Monteagle, Tennessee.

(59) "Using department. The town department seeking to purchase goods and services or which will be the ultimate user of the purchased goods and services.

(60) "Vendor." The person who transfers property, goods, or services by sale. (Ord. #01-13, April 2013, modified)

5-602. General procedures. The following procedures shall be followed by all town employees when purchasing goods or services on behalf of the town:

(1) Items expected to cost more than ten thousand dollars ($10,000.00). (a) The department head of the using department shall deliver to the town recorder a written purchase request for the item(s) to be purchased. Such request shall include a brief description of the item(s) to be purchased, specifications for the item being purchased, the estimated cost of the items, and shall indicate whether the item(s) have been approved in the annual budget.

(b) The town recorder shall review the purchase request for completeness and accuracy. The request shall then be forwarded to the board of mayor and aldermen for final review and approval. The board shall have the authority to adjust or eliminate various specifications for goods and services, or may disapprove the purchase request, to comply with town's policy, the annual budget, or for any other reason it deems in the public interest.

(c) All approved purchase requests shall be signed by the mayor and returned to the town recorder who shall proceed with procurement in compliance with this chapter.

(2) Items expected to cost one thousand five hundred to ten thousand dollars ($1,500.00 to $10,000.00). (a) The department head of the using department shall deliver to the town recorder a written purchase request for the item(s) to be purchased. Such request shall include a brief description of the item(s) to be purchased, specifications for the item(s) being purchased, the estimated cost of the item(s), and shall indicate whether the item(s) have been approved in the annual budget.

(b) The town recorder shall review the purchase request for completeness and accuracy. The request shall then be forwarded to the mayor for final review and approval. The mayor shall not approve the purchase of any item not approved in the annual budget or for which there are not sufficient funds in the town's treasury. The mayor shall have the authority to adjust or eliminate various specifications for goods

or services to comply with the town's policy, the annual budget, or to avoid depletion of the town treasury.

(c) All approved purchase requests shall be signed by the mayor and returned to the town recorder who shall proceed with procurement in compliance with this chapter. (Ord. #01-13, April 2013, modified)

5-603. Rejection of bids. The mayor and/or the board of mayor and aldermen shall have the authority to reject any and all bids, parts of bids, or all bids for any one (1) or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby. The mayor and/or the board of mayor and aldermen shall not accept the bid of a vendor or contractor who is in default on the payment of taxes, licenses, fees or other monies of whatever nature that may be due the town by said vendor or contractor. (Ord. #01-13, April 2013, modified)

5-604. Conflict of interest. All employees who participate in any phase of the purchasing function are to be free of interests or relationships which are actually or potentially hostile or detrimental to the best interests of the Town of Monteagle and shall not engage in or participate in any commercial transaction involving the town, in which they have a significant interest. (Ord. #01-13, April 2013)

5-605. Purchasing from employees. It shall be the policy of the town not to purchase any goods or services from any employee or close relative of any town employee without the prior approval of the board of mayor and aldermen and in compliance with the code of ethics. (Ord. #01-13, April 2013, modified)

5-606. Sealed bid requirements $10,000.00 or greater. (1) On all purchases and contracts estimated to be in excess of ten thousand dollars ($10,000.00), except as otherwise provided in this chapter, formal sealed bids shall be submitted at a specified time and place to the town recorder. The town recorder shall submit all such bids for award by the board of mayor and aldermen at the next regularly scheduled board meeting or special-called meeting.

(2) Notice inviting bids shall be published at least once in a newspaper of general circulation in the Town of Monteagle, and at least five (5) days preceding the last day to receive bids. The newspaper notice shall contain a general description of the article(s) to be secured, and the date, time, and place for opening bids.

(3) In addition to publication in a newspaper, the town recorder may take other actions deemed appropriate to notify all prospective bidders of the invitation to bid, including, but not limited to, direct mail to known vendors, advertisement in community bulletin boards, metropolitan newspapers, professional journals, and electronic media. (Ord. #01-13, April 2013)

5-607. Competitive bidding $2,500.00 to $10,000.00. (1) All purchases of supplies, equipment, services, and contracts estimated to be in excess of two thousand five-hundred dollars ($2,500.00) but less than ten thousand dollars ($10,000.00), except as otherwise provided in this chapter, shall be by competitive bidding. The town recorder shall submit all such bids for award to the mayor for award. The executive committee cannot make any awards on purchases/contracts of un-budgeted items.

(2) A written record shall be required and available for public inspection showing that competitive bids were obtained by one of the following methods:

(a) Direct mail advertisement;
(b) Telephone bids;
(c) Public notice;
(d) Copies of publicly available catalogs.
(e) Online sources.

(3) In the town recorder's absence, the mayor shall designate a suitable substitute to perform the town recorder's duties. (Ord. #01-13, April 2013, modified)

5-608. Purchases and contracts $1,500.00 to $2,500.00. For purchases of supplies, equipment, services, and contracts estimated to be in excess of one thousand five-hundred dollars ($1,500.00) but less than two thousand five-hundred dollars ($2,500.00) the town recorder and/or department head is expected to obtain the best prices and services available for purchases; however, these purchases are exempted from the formal bid requirements specified in §§ 5-606 and 5-607 of this chapter. The town recorder shall submit all such purchases to the mayor for approval. The mayor cannot award any purchases/contracts of un-budgeted funds. (Ord. #01-13, April 2013, modified)

5-609. Purchases and contracts costing less than $1,500.00. The town recorder and/or department head is expected to obtain the best prices and services available for purchases and contracts estimated to be less than one thousand five-hundred dollars ($1,500.00), but are exempted from the formal bid requirements specified in §§ 5-606 and 5-607 of this chapter. The town recorder and/or department head cannot expend any budgeted funds. No approval is required of the mayor or the board of mayor and aldermen for purchases less than one thousand five-hundred dollars ($1,500.00). (Ord. #01-13, April 2013, modified)

5-610. Bid deposit. When deemed necessary, bid deposits may be prescribed and noted in the public notices inviting bids. The deposit shall be in such amount as the mayor or board of mayor and aldermen shall determine and unsuccessful bidders shall be entitled to a return of such deposits within ten (10) calendar days of the bid opening. A successful bidder shall forfeit any required

deposit upon failure on his/her part to enter a contract within ten (10) days after the award. (Ord. #01-13, April 2013, modified)

5-611. Performance bond. The Town of Monteagle may require a performance bond before entering into a contract, in such amount as the town shall find reasonably necessary to protect the best interests of the town and furnishers of labor and materials in the penalty of not less than the amount provided by Tennessee Code Annotated. (Ord. #01-13, April 2013)

5-612. Record of bids. The town recorder shall keep a record of all open market orders and bids submitted in competition thereon, including a list of the bidders, the amount bid by each, and the method of solicitation and bidding, and such records shall be open to public inspection and maintained in the town recorder's office. As a minimum, the bid file shall contain the following information:

(1) Request to start bid procedures;
(2) A copy of the bid advertisement;
(3) A copy of the bid specifications;
(4) A list of bidders and their responses;
(5) A copy of the purchase order;
(6) A copy of the invoice. (Ord. #01-13, April 2013)

5-613. Considerations in determining bid awards. The following criteria shall be considered in determining all bid awards:

(1) The ability of the bidder to perform the contract or provide the material or service required.

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

(3) The character, integrity, reputation, experience, and efficiency of the bidder.

(4) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(5) The quality of performance of previous contracts or services, including the quality of such contracts or services in other municipalities, or performed for private sector contractors.

(6) The sufficiency of financial resources and the ability of the bidder to perform the contract or provide the service.

(7) The ability of the bidder to provide future maintenance and service for the use of the supplies or contractual service contracted.

(8) Compliance with all specifications in the solicitation for bids.

(9) The ability to deliver and maintain any requisite bid bonds or performance bonds.

(10) Total cost of the bid, including life expectancy of the commodity, maintenance costs, and performance. (Ord. #01-13, April 2013)

5-614. Award in case of tie bids. When two (2) or more vendors have submitted the low bid, the following criteria shall be used to award the bid:

(1) If all bids received are for the same amount, quality of service being equal, the purchase contract shall be awarded to the local bidder.

(2) If two (2) or more local bidders have submitted the low bid, quality of service being equal, the purchase contract shall be awarded by a coin toss or drawing lots.

(3) If no local bids are received and two (2) or more out-of-town bidders have submitted the low bid, quality of service being equal, the purchase contract shall be awarded by a coin toss or drawing lots.

When the award is to be decided by coin toss or drawing lots, representatives of the bidders shall be invited to observe. In no event shall such coin toss or drawing lots be performed with less than three (3) witnesses. (Ord. #01-13, April 2013)

5-615. Back orders. All orders must be completed, whether through complete fulfillment of the purchase order or through closing the purchase order with items not received. The non-delivered items shall be cancelled from the purchase order and the check will be issued to the equal amount of the amended purchase order. (Ord. #01-13, April 2013)

5-616. Emergency purchases. When in the judgment of the mayor an emergency exists, the provisions of this chapter may be waived; provided, however, the town recorder shall report the purchases and/or contracts to the board of mayor and aldermen at the next regular board meeting stating the item(s) purchased, the amount(s) paid, from whom the purchase(s) was made, and the nature of the emergency. All emergency purchases shall be in accordance with state law. (Ord. #01-13, April 2013, modified)

5-617. Waiver of the competitive bidding process. Upon the recommendation of the mayor, and the subsequent approval of the board of mayor and aldermen, that it is clearly to the advantage of the town not to contract by competitive bidding, the requirements of competitive bidding may be waived provided that the following criteria are met and documented in a written report to the board of mayor and aldermen:

(1) Single source of supply. The availability of only one (1) vendor of a product or service within a reasonable distance of the Town of Monteagle as determined after a complete and thorough search by the using department and the town recorder.

(2) State Department of General Services. A thorough effort was made to purchase the product or service through or in conjunction with the State Department of General Services or via a state contract, such effort being unsuccessful.

(3) Purchase from other governmental entities. A thorough effort was made to purchase the product or service through or in conjunction with other municipalities or from any federal, state, or local agency. These purchases may be made without competitive bidding and public advertisement.

(4) Purchases from non-profit organizations. A thorough effort was made to purchase the goods or services from any non-profit organization whose sole purpose is to provide goods and services specifically to municipalities.

(5) Purchases from Tennessee state industries. A thorough effort was made to purchase the goods or services from Tennessee state industries (prison industries).

(6) Purchases from instrumentalities created by two (2) or more co-operating governments. An effort was made to purchase the goods or services from a co-op or group of governments which was formed to purchase goods and services for their members. (Ord. #01-13, April 2013, modified)

5-618. Goods and services exempt from competitive bidding. The following goods and services need not be awarded on the basis of competitive bidding; provided, however, that the town recorder and/or the department head shall make a reasonable effort to assure that such purchases are made efficiently and in the best interest of the town:

(1) Certain insurance. The town may purchase tort liability insurance, without competitive bidding, from the Tennessee Municipal League or any other plan offered by governmental entity representing cities and counties. All other insurance plans, however, are to be awarded on the basis of competitive bidding.

(2) Certain investments. The town may make investments of municipal funds in, or purchases from, the pooled investment fund established pursuant to Tennessee Code Annotated, § 9-17-105.

(3) Motor fuel, fuel products, or perishable commodities. Such commodities may be purchased without competitive bidding.

(4) Professional service contracts. Any services of a professional person or firm, including attorneys, accountants, physicians, architects, engineers, and other consultants required by the town, whose fee is less than two hundred dollars ($200.00) per hour, may be hired without competitive bidding. In those instances where such professional service fees are expected to exceed ten thousand dollars ($10,000.00), a written contract shall be developed and approved by the board of mayor and aldermen prior to the provision of any goods or services. Contracts for professional services shall not be awarded on the basis of competitive bidding; rather, professional service contracts shall be awarded on the basis of recognized competence and integrity. (Ord. #01-13, April 2013)

5-619. Split invoices. Departments are not allowed to split invoices. A "split" invoice results when a total charge of one thousand five-hundred dollars ($1,500.00) or more is divided into more than one (1) invoice from the same vendor or from multiple vendors, to avoid the necessity of obtaining a purchase

order. The town will not assume responsibility for "split" invoices. (Ord. #01-13, April 2013)

5-620. Protested bids. Any actual bidder/proposer who claims to be aggrieved in connection with a specific solicitation process may submit a protest in writing to the town recorder within seven (7) calendar days after he or she knows or should have known the facts giving rise to the protest.

The mayor has the authority to resolve the protest. If deemed necessary, the mayor may request a meeting with the protesting party to seek clarification of the protest issues. The final determination of the mayor shall be given in writing and submitted to the protesting party.

The protesting party may request that the final determination of the mayor be considered by the board of mayor and aldermen. The request for consideration shall be made in writing to the mayor within seven (7) calendar days from the date of the final determination by the mayor. The determination of the board of mayor and aldermen is final and shall be given in writing and submitted to the protester. (Ord. #01-13, April 2013, modified)

5-621. Procedures upon taking delivery of purchased items. Before accepting delivery of purchased equipment, supplies, materials and other tangible goods, the department head of the using department shall:

(1) Inspect the goods to verify that they are in acceptable condition.

(2) Verify that all operating manuals and warranty cards are included in the delivery of the goods, if applicable.

(3) Verify that the numbers of items purchased have been delivered; making special note when part or all of a particular purchase has been back ordered.

(4) Record serial numbers for all capital items, notifying the town recorder of same.

(5) Complete and return to the town recorder a material receiving report form. (Ord. #01-13, April 2013)

5-622. Property control. A physical inventory of the town's fixed assets shall be taken annually. The goals of the annual inventory shall be as follows:

(1) To identify unneeded and duplicate assets.

(2) To provide a basis for insurance claims, if necessary.

(3) To deter the incidence of theft and negligence.

(4) To aid in the establishment of replacement schedules for equipment.

(5) To note transfers of surplus property.

To be classified as a fixed asset, an item must be tangible, have an expected life longer than the current fiscal year, and have a value of at least five thousand dollars ($5,000.00). Any property or equipment that meets these criteria shall be assigned an asset number (affixed with a property sticker), have

a completed property card, and be inventoried annually. Such records shall be controlled and maintained by the town recorder. (Ord. #01-13, April 2013)

5-623. Disposal of surplus property. The town recorder shall be in charge of the disposal of surplus property and make a full report to the board of mayor and aldermen after the items are disposed of. When a department head determines there is surplus equipment or materials within the department, he/she shall notify the town recorder in writing of any such equipment. The town recorder may transfer surplus equipment or materials from one department to another. (Ord. #01-13, April 2013)

5-624. Employee participation in disposal of surplus property. No surplus property shall be sold or given to a town employee by the board of mayor and aldermen, except through sale by public auction that has been properly advertised. For the purposes of this chapter, members of the board of mayor and aldermen shall be considered town employees. (Ord. #01-13, April 2013)

5-625. Surplus property; items consumed in the course of work thought to be worthless. Town property which may be consumed in the course of normal town business and items thought to be worthless shall be disposed of in a like manner as any other refuse. For accounting purposes, such items shall be charged off as a routine cost of doing business. (Ord. #01-13, April 2013)

5-626. Surplus property; items estimated to have monetary value. When disposing of surplus property estimated to have monetary value, the town recorder shall comply with the following procedures:

(1) Obtain from the board of mayor and aldermen a resolution declaring said items to be surplus property and fixing the date, time and location for the town recorder to receive bids.

(2) A copy of the resolution shall be posted in at least three (3) locations in the community.

(3) Surplus items may be disposed of in the following manner, in accordance with state law:

(a) govdeals.com or other online dealer.

(b) Public auctions.

(c) Donations.

(d) Other methods as determined by resolution, in accordance with state law.

(4) Such equipment or materials shall be sold to the highest bidder. In the event the highest bidder is unable to pay within twenty-four (24) hours, the item shall be awarded to the second highest bidder.

(5) All pertinent information concerning the sale shall be noted in the fixed asset records of the town.

(6) The advertisement, bids, and property cards shall be retained for a minimum period of five (5) years. (Ord. #01-13, April 2013, modified)

5-627. Surplus property; town identification removed prior to sale. No surplus town property shall be sold unless and until all decals, emblems, lettering, or coloring which identifies the item as belonging to the Town of Monteagle have been removed or repainted. (Ord. #01-13, April 2013)

5-628. Liability for excess purchases. This chapter shall authorize only the purchase of materials and supplies and the procurement of contracts for which funds have been appropriated and are within the limits of the funds estimated for each department in the annual budget or which have been authorized and lawfully funded by the board of mayor and aldermen. The Town of Monteagle shall have no liability for any purchase made in violation of this chapter. (Ord. #01-13, April 2013)

5-629. Additional forms and procedures. The town recorder is hereby authorized and directed to develop such forms and procedures as are necessary to comply with this chapter. (Ord. #01-13, April 2013)

TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.
2. CITATIONS AND SUMMONSES BY NON-POLICE OFFICERS.

CHAPTER 1

POLICE AND ARREST[1]

SECTION
6-101. Police officers subject to chief's orders.
6-102. Police officers to preserve law and order, etc.
6-103. When police officers to make arrests.
6-104. Disposition of persons arrested.
6-105. Police department records.

6-101. Police officers subject to chief's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1989 Code, § 6-101)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the town. They shall patrol the town and shall assist the town court during the trial of cases. Police officers shall also promptly serve any legal process issued by the town court. (1989 Code, § 6-102)

6-103. When police officers to make arrests. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1989 Code, § 6-103)

6-104. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation

---

[1]Municipal code reference
Citations in lieu of arrest in traffic cases: title 15, chapter 7.

of this code shall be brought before the town court. However, if the town court is not in session, the arrested person shall be allowed to post bond with the town court clerk, or, if the town court clerk is not available, with the ranking police officer on duty. If the arrested person fails or refuses to post bond, he shall be confined pending his release by the town judge. In addition, if the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1989 Code, § 6-104, modified)

6-105. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

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

(2) All arrests made by police officers.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1989 Code, § 6-105)

CHAPTER 2

CITATIONS AND SUMMONSES BY NON-POLICE OFFICERS[1]

SECTION

6-201. Citations in lieu of arrest in non-traffic cases.

6-201. Citations in lieu of arrest in non-traffic cases. Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the board of mayor and aldermen appoints the fire chief in the fire department and the building inspector in the building department special police officers having the authority to issue citations in lieu of arrest. The fire chief in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 1 of this municipal code of ordinances. The building inspector in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances.

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

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (1989 Code, § 6-201)

---

[1]Municipal code reference

Citations in lieu of arrest in traffic cases: title 15, chapter 7.

TITLE 7

FIRE PROTECTION AND FIREWORKS[1]

CHAPTER
1. FIRE CODE.
2. VOLUNTEER FIRE DEPARTMENT.
3. FIRE HYDRANT MARKINGS AND RESTRICTIVE USE.

CHAPTER 1

FIRE CODE

SECTION
7-101. Fire code adopted.
7-102. Modifications.
7-103. Available in recorder's office.
7-104. Violation and penalty.

7-101. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating exits, egress capacity, stairways, fire escapes, travel distance to egress, special locking arrangements in place of assembly occupancies, in any building or structure. The International Fire Code,[2] 2009 edition, including all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. (Ord. #01-11, Feb. 2011)

7-102. Modifications. The following sections are hereby revised to read as follows:

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

7-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has

---

[1]Municipal code reference
Building, utility and residential codes: title 12.

[2]Copies of this code are available from the International Code Council, 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.

7-104. Violation and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire 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 council of the municipality 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.

CHAPTER 2

VOLUNTEER FIRE DEPARTMENT[1]

SECTION

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

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of mayor and aldermen. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, shall be turned over to and become the property of, the town and the town shall use such funds in the equipping of the fire department. Any and all gifts to the volunteer fire department shall be turned over to, and become the property of, the town. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the town and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the board of mayor and aldermen, and such number of physically-fit subordinate officers and firemen as the fire chief shall appoint. (1989 Code, § 7-201)

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

(1) To prevent uncontrolled fires from starting.
(2) To prevent the loss of life and property because of fires.
(3) To confine fires to their places of origin.
(4) To extinguish uncontrolled fires.
(5) To prevent loss of life from asphyxiation or drowning.
(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1989 Code, § 7-202)

7-203. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make

---

[1]Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.

definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. All volunteers must abide by the city adopted personnel rules and regulations. (1989 Code, § 7-203, modified)

7-204. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor as the mayor requires. The mayor shall submit reports on those matters to the board of mayor and aldermen, as the board of mayor and aldermen requires. (1989 Code, § 7-204)

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

All personnel of the volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1989 Code, § 7-205)

7-206. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of mayor and aldermen. (1989 Code, § 7-206)

7-207. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-305, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1989 Code, § 7-207)

CHAPTER 3

FIRE HYDRANT MARKINGS AND RESTRICTIVE USE

SECTION

7-301. Classification of hydrants.
7-302. Capacity of hydrants.
7-303. Use of pumper trucks or pumping equipment.

7-301. Classification of hydrants. Fire hydrants shall be classified according to each fire hydrant's flow capacity, in gallons per minute (gpm), while maintaining a minimum system pressure of twenty (20) pounds per square inch (psi), as follows:

(1) Class AA Greater than 1,500 gmp
(2) Class A Greater than 1,000 gpm to 1,500 gpm
(3) Class B 500 gpm to 1,000 gpm
(4) Class C Less than 500 gpm

The results of field flow tests will define the capacities of existing fire hydrants. Hydraulic calculations or computer modeling will be used to establish initial capacities of proposed fire hydrants. Once installed, a fire hydrant's capacity will be confirmed by field flow tests.

Developers or other individuals who petition Monteagle to accept for operation and maintenance any water system improvements that include fire hydrants will have the hydrants tested and then painted according to the schedule below as a condition for Monteagle's acceptance of said improvements. Said developer or individuals will provide flow test data for each hydrant to confirm each hydrant's classification. (Ord. #05-12, _____)

7-302. Capacity of hydrants. For each fire hydrant where its capacity has been established, its bonnet (top) and all nozzle caps will be painted the color corresponding to its rated capacity, as follows:

(1) Class AA Light blue
(2) Class A Green
(3) Class B Orange
(4) Class C Red. (Ord. #05-12, _____)

7-303. Use of pumper trucks or pumping equipment. The use of pumper trucks or other equipment employing pumps that apply suction to the fire hydrant is hereby prohibited on any fire hydrant rated Class C. In all other instances when such suction equipment is employed, a pressure gage will be used at the fire hydrant and the pumping rate will be restricted to prevent the residual pressure from dropping below twenty (20) psi. (Ord. #05-12, _____)

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER
1. INTOXICATING LIQUORS--OFF PREMISES CONSUMPTION.
2. INTOXICATING LIQUORS--ON PREMISES CONSUMPTION.
3. BEER.

CHAPTER 1

INTOXICATING LIQUORS--OFF PREMISES CONSUMPTION

SECTION
8-101. Adoption of state statutes by reference.
8-102. Definitions.
8-103. Alcoholic beverages subject to regulation.
8-104. Sale by licensee legalized.
8-105. Qualifications of applicant.
8-106. Application for certificate of good moral character and license.
8-107. Misrepresentation or concealment.
8-108. Restrictions on issuance of certificate of good moral character.
8-109. Filing fee.
8-110. Miscellaneous restrictions on licensees and employees.
8-111. Nature and revocability of license.
8-112. Location of liquor store.
8-113. Inspection fee.
8-114. Records to be maintained by wholesaler and retailer.
8-115. Effect of failure to report and pay inspection fee or allow inspections.
8-116. Use of funds derived from inspection fees.
8-117. Other violations by licensee.
8-118. Licensee's responsibility.
8-119. Violation and penalty.

8-101. Adoption of state statutes by reference. All pertinent and applicable provisions of Tennessee Code Annotated, title 57 are hereby incorporated by reference and made a part of this chapter as though specifically

---

[1]Municipal code references
Driving under the influence: § 15-104.
Minors in beer places, public drunkenness, etc.: title 11, chapter 2.
State law reference
Tennessee Code Annotated, title 57.

set forth therein as said statutes are now enacted or as they may hereafter be amended or repealed, and where a conflict exists between this chapter and state statutes and regulations of the Tennessee Alcoholic Beverage Commission, the statutes and rules and regulations shall control. (1989 Code, § 8-101)

8-102. Definitions. Whenever used in this chapter, in addition to the definitions as set forth in Tennessee Code Annotated, § 57-3-101, the following terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Applicant" means the party applying for a certificate of good moral character and a license.

(2) "Application" means the form or forms an applicant is required to file in order to obtain a certificate of good moral character and license.

(3) "Bottle" means any container, vessel, bottle or other receptacle used for holding any alcoholic beverage. "Unsealed bottle" means a bottle with the original seal, cork, cap or other enclosing device either broken or removed, or on which the federal revenue strip stamp has been broken.

(4) "Board" means the board of mayor and aldermen of the town.

(5) "Certificate of good moral character" means the certificate provided for in Tennessee Code Annotated, title 57, chapter 1, in connection with the prescribed procedure for obtaining a state liquor retailer's license.

(6) "Town" means the Town of Monteagle, Tennessee.

(7) "Clerk" means the clerk of the town.

(8) "Corporate limits" means the corporate limits of the town as the same now exist or may hereafter be changed.

(9) "Federal statutes" means the statutes of the United States now in effect or as they may hereafter be changed.

(10) "Inspection fee" means the monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross sales of a licensee.

(11) "Person" shall mean and include an individual, partner, association or corporation.

(12) "Sale" or "sell" means and includes the exchange or barter of alcoholic beverage, and also any delivery made otherwise than gratuitously of alcoholic beverage; the soliciting or receiving of an order for alcoholic beverage; the keeping, offering or exposing alcoholic beverage for sale.

(13) "State" means the State of Tennessee.

(14) "State Alcoholic Beverage Commission" means the Tennessee Alcoholic Beverage Commission, provision for which is made in the state statutes, including without limitation the provision of Tennessee Code Annotated, title 57, chapter 8.

(15) "State rules and regulations" means all applicable rules and regulations of the State of Tennessee applicable to alcoholic beverages, as now in effect or as they may hereafter be changed, including without limitation the

Local Option Liquor Rules and Regulations of the Tennessee Alcoholic Beverage Commission and Department of Revenue.

(16) "State statutes" means the statutes of the State of Tennessee now in effect or as they may hereafter be changed. (1989 Code, § 8-102)

8-103. Alcoholic beverages subject to regulation. It shall be unlawful for any person either to engage in the business of selling, storing, transporting, or distributing any alcoholic beverage within the corporate limits of the town or to sell, store, transport, distribute, purchase or possess any alcoholic beverage within the corporate limits of the town, except as provided by the state statutes, by the state rules and regulations, by the federal statutes and by this chapter. (1989 Code, § 8-103)

8-104. Sale by licensee legalized. It shall be lawful for a licensee to sell any alcoholic beverage at retail in a liquor store, within the corporate limits, provided such sales are made in compliance with applicable federal statutes, state statutes, state rules and regulations, and the provisions of this chapter. (1989 Code, § 8-104)

8-105. Qualifications of applicant. To be eligible to apply for or to receive a certificate of good moral character, an applicant must satisfy the requirements of this chapter, and of the state statutes and state rules and regulations for a holder of a state liquor retailer's license, and must have resided within the State of Tennessee for at least two (2) consecutive years immediately preceding the date when the application is filed with the board, in accordance with Tennessee Code Annotated, § 57-3-204. (1989 Code, § 8-105)

8-106. Application for certificate of good moral character and license.[1] Each applicant for a certificate of good moral character and license shall file with the board a completed questionnaire and application for license on such forms as are designated and compiled by the State Alcoholic Beverage Commission and by the board. The questionnaire and application form and other material to be filed by the applicant with the State Alcoholic Beverage Commission in connection with said application shall be filed in duplicate, and shall also be accompanied by two (2) sets of plans drawn to a scale of not less than one inch equals twenty feet (1" = 20'), giving the following information:

(1) The shape, size, and location of the lot upon which the liquor store is to be operated under the license;

(2) The shape, size, height, and location of all buildings, whether they are to be erected, altered, moved, or existing, upon the lot;

---

[1]State law reference
Tennessee Code Annotated, § 57-3-208.

(3) The off-street parking space and the off-street loading and unloading space to be provided, including the vehicular access to be provided from these areas to a public street; and

(4) The identification of every parcel of land within three hundred feet (300') of the lot upon which the liquor store is to be operated indicating ownership thereof and the locations of any structures situated thereon and the use being made of every such parcel.

All forms shall be signed and verified as required by the State Alcoholic Beverage Commission by such person or persons who have an interest in the license, either as owner, partner, or stockholder, director, officer, or otherwise. If, at any time, the applicable state statutes shall be changed so as to dispense with the requirements of a certificate of good moral character, no authorization to obtain a license shall be issued until an application and questionnaire has been filed with the board.

The recorder shall review all documents, note any apparent defects, errors and insufficiency and obtain correction of same. After all documents are in order, same shall be submitted to the board for consideration and action.

Unless an extension is otherwise granted in writing to each applicant, the certificate of good moral character shall be null and void unless within a period of one hundred twenty (120) days after a license is granted by the state, the applicant is actively engaged in the retail sale of alcoholic beverages at the liquor store described in the application and upon such failure, the board shall request the state to revoke said license. (1989 Code, § 8-106)

8-107. Misrepresentation or concealment. A misrepresentation or concealment of any material fact in any application shall constitute a violation of this chapter, and the board shall forthwith report such violation to the State Alcoholic Beverage Commission together with the request that the State Alcoholic Beverage Commission take action necessary to revoke or refuse to grant or renew a license to an applicant guilty of such misrepresentation or concealment. (1989 Code, § 8-107)

8-108. Restrictions on issuance of certificate of good moral character. (1) No certificate of good moral character shall be issued unless a license issued on the basis thereof to such applicant can be exercised without violating any provision of this chapter, state statute, state rules and regulations or federal statutes.

(2) The board shall not sign any certificate of good moral character for any applicant[1] until:

---

[1]State law reference

Tennessee Code Annotated, § 57-3-208 requires the certificate of good moral character to be signed by the mayor or a majority of the board

(continued...)

(a) Such applicant includes in his application a statement that if he is granted a certificate of good moral character, he will open his liquor store with a minimum inventory of twenty thousand dollars ($20,000.00) in wholesale value and that his liquor store will have at least one thousand two hundred (1,200) square feet of floor space;

(b) Such applicant's application has been filed with the board;

(c) The location stated in the certificate has been approved by the board as a suitable location for the operation of a liquor store as hereinafter set forth; and

(d) The application has been considered at a meeting of the board and approved by a majority vote of the entire board. (1989 Code, § 8-108)

8-109. Filing fee. Each application filed with the town, shall be accompanied by a one hundred dollars ($100.00) filing fee, payable to the town for expenses incurred in the processing of the application and for investigation of the applicant. (1989 Code, § 8-109, modified)

8-110. Miscellaneous restrictions on licensees and employees.

(1) If a licensee is a corporation, then in addition to the other provisions of this chapter:

(a) No person owning stock in or who is an officer or director in such corporate licensee shall have any interest as an owner, stockholder, officer, director, or otherwise in any business licensed to engage in the sale of wholesale or retail of alcoholic beverage in the state or in any other place;

(b) No stock of such corporate licensee shall be transferred by sale, gift, pledge, operation or otherwise to any person who has not been a resident of the town for the two (2) consecutive years immediately preceding the date of any such transfer; nor shall any of said stock be so transferred to any person who would not be otherwise qualified as an original stockholder of an initial corporate applicant for a license hereunder.

(2) If any licensee, for any reason, shall not be actively engaged in and keep open its liquor store during normal business hours for a period of fifteen (15) consecutive work days, exclusive of mandatory closing days, then the recorder shall forthwith report such fact to the State Alcoholic Beverage Commission and take such other action as may appear necessary or proper to have the license of such licensee revoked.

(3) Each liquor store licensed hereunder shall be personally and actively managed by the holder of the license, if the licensee is an individual, or

---

[1](...continued)
of mayor and aldermen.

a partner or corporate officer, if the licensee is a partnership or corporation. In every case where alcoholic beverage is sold to a licensee that is either a partnership or a corporation the name and address of the managing partner or the corporate officer who will be in active control and management of the liquor store shall be designated in the application, and any future changes in such manager shall be reported forthwith in writing to the clerk.

(4) No pinball machines or other amusement devices and no seating facilities other than for employees shall be permitted in any liquor store. No political advertising of or for any candidate or party by poster, card, matches or otherwise and no campaign material shall be placed, displayed or dispensed on the premises of any liquor store. (1989 Code, § 8-110, modified)

8-111. Nature and revocability of license. The issuance of a license hereunder shall vest no property rights in the licensee and such license shall be a privilege subject to revocation or suspension as provided by state statutes and state rules and regulations. In the event of any violation of state statutes, state rules and regulations, federal statutes or of the provisions of this chapter by a licensee or by any person for whose acts the licensee is responsible, the recorder shall forthwith report such violation to the Tennessee Alcoholic Beverage Commission and shall take such action before the Tennessee Alcoholic Beverage Commission or other appropriate state board to have the license of such licensee suspended or revoked as provided by law. (1989 Code, § 8-111)

8-112. Location of liquor store. Liquor stores may be operated and maintained on premises within the corporate limits, but only within areas designated by the board and in no event shall a store be operated and maintained in a residential area.

A liquor store shall not be located within three hundred feet (300') of any church, school or playground as measured in a direct line[1] from the center of the front door of the licensee's place of business to the nearest portion of the property line of the facility. To assure that these requirements are satisfied, no certificate of good moral character for an applicant for a license shall be issued for any location until a majority of the members of the board have approved the proposed location as being suitable for a liquor store. (1989 Code, § 8-112)

8-113. Inspection fee. There is hereby levied on each licensee in the town an inspection fee in the amount of eight percent (8%)[2] of the wholesale

---

[1]State law reference

See Watkins v. Naifeh, 625 S.W.2d 104 (1982) and other cases cited therein which establish the straight line method of measurement.

[2]State law reference

(continued...)

price of all alcoholic beverage supplied during each calendar month by a wholesaler to each licensee in the town. It shall be unlawful for any wholesaler to supply, ship or otherwise deliver any alcoholic beverage to a licensee, and it shall be unlawful for any licensee to receive any alcoholic beverage, unless there shall be issued and delivered to the licensee by the wholesaler, concurrently with each such shipment or delivery, an invoice showing:

(1) The date of the transaction;

(2) The name and address of the wholesaler and of the licensee;

(3) The brand name and quantity of alcoholic beverage covered by the invoice; and

(4) The unit wholesale price and the gross wholesale price for each item listed thereon.

The wholesaler's invoice shall be issued and delivered to the licensee as hereinabove provided without regard to the terms of payment or on credit or partly for cash and partly for credit. The inspection fee, computed as hereinabove provided, shall be paid by each wholesaler to the recorder as provided by the provisions of Tennessee Code Annotated, § 57-3-501. (1989 Code, § 8-113, modified)

8-114. Records to be maintained by wholesaler and retailer. Each wholesaler making sales to retailers located within the town and each licensee shall both maintain accurate records of the sales and purchases made and such records shall be subject to audit by the board or its designated agent. All such records shall be preserved for a period of at least two (2) years unless the board or its designated agent gives the wholesaler or licensee written permission to dispose of such records at an earlier time. (1989 Code, § 8-114)

8-115. Effect of failure to report and pay inspection fee or allow inspections. The failure to pay the inspection fee and to make the required reports accurately and within the time prescribed by law or to allow inspection and audit of the books, papers and records of the wholesaler or licensee shall, at the sole discretion of the board, result in a report of non-compliance being filed with the State Alcoholic Beverage Commission and which report may, at the discretion of the board, request revocation of the license of the wholesaler and of the license of the licensee. (1989 Code, § 8-115)

8-116. Use of funds derived from inspection fees. All funds derived from the inspection fees imposed herein shall be paid into the general fund of the town. The town shall defray all expenses in connection with the enforcement of this chapter, including particularly the payment of the compensation of officers, employees or other representatives of the town in

---

[2](...continued)
Tennessee Code Annotated, § 57-3-501.

investigating and inspecting licensees and in seeing all provisions of this chapter are observed; and the board finds and declares that the amount of the inspection fees is reasonable and that the funds expected to be derived therefrom will be reasonably required for said purposes. The inspection fee levied by this chapter shall be in addition to any general gross receipts, sales or other general taxes applicable to the sale of alcoholic beverages, and shall not be a substitute for any such taxes. (1989 Code, § 8-116)

8-117. Other violations by licensee. Any licensee who in the operation of such licensee's liquor store, shall violate any federal statute, state statute, or state rule and regulation concerning the purchase, sale, receipt, possession, transportation, distribution or handling of alcoholic beverages, shall be guilty of a violation of the provisions of this chapter. (1989 Code, § 8-117)

8-118. Licensee's responsibility. Each licensee shall be responsible for all acts of such licensee's officers, stockholders, directors, employees, agents and representatives, so that any violation of this chapter by any officer, stockholder, director, employee, agent, or representative of a licensee shall constitute a violation of this chapter by such licensee. (1989 Code, § 8-118)

8-119. Violation and penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and shall be punished according to the general penalty provisions of this code. Any licensee violating any provisions of this chapter shall be subject to having his license suspended or revoked for such violation as provided in this chapter, or by state statutes, or state rules and regulations. All police officers of the town are hereby empowered and required to take into possession any alcoholic beverages which have been received by, or are in the possession of, or are being transported by, any person in violation of state statutes, state rules and regulations, federal statutes, and this chapter; and such contraband alcoholic beverage shall be disposed of as provided by state statutes. (1989 Code, § 8-119)

CHAPTER 2

INTOXICATING LIQUORS--ON PREMISES CONSUMPTION

SECTION

8-201. Definition of alcoholic beverage.
8-202. Privilege tax.
8-203. Privilege license.
8-204. Intoxicated persons prohibited on premises.
8-205. Violation and penalty.

8-201. Definition of "alcoholic beverage." For the purpose of the interpretation and application of this chapter, the term, "alcoholic beverage," shall mean and include whiskey, vodka, wine, rum, gin, and all other alcoholic beverages, as defined by the provisions of Tennessee Code Annotated, § 57-3-101. (1989 Code, § 8-201)

8-202. Privilege tax. (1) Levy. It is hereby declared that every person who engages in the business of selling at retail, in the Town of Monteagle, alcoholic beverages for consumption on the premises, shall be exercising a taxable privilege.

(2) Amount. For the exercise of such privilege, the following taxes are levied, which shall be paid annually, to-wit:

(a)	Private club	$ 300.00
(b)	Hotel and motel	$ 1,000.00
(c)	Convention center	$ 500.00
(d)	Premiere type tourist Resort.	$ 1,500.00
(e)	Restaurant, according to seating capacity, on licensed premises:	
	(i) 75 - 125 seats	$ 600.00
	(ii) 126 - 175 seats	$ 750.00
	(iii) 176 - 225 seats	$ 800.00
	(iv) 226 - 275 seats	$ 900.00
	(v) 276 seats and over	$ 1,000.00
(f)	Historic performing arts center.	$ 300.00
(g)	Urban park center	$ 500.00
(h)	Historic mansion house site	$ 300.00
(i)	Historic interpretive center	$ 300.00
(j)	Community theater	$ 300.00
(k)	Zoological institution	$ 300.00

(l) Museum . . . . . $ 300.00
(1989 Code, § 8-202)

8-203. Privilege license. Every person desiring to exercise such privilege shall obtain from the town a privilege license upon the payment of the fee as set forth in § 8-202. The license shall be procured at the same time that the privilege license is obtained from the State of Tennessee and shall be renewed annually. (1989 Code, § 8-203)

8-204. Intoxicated persons prohibited on premises. No permittee shall permit any intoxicated person to be on or remain on the premises of any premises selling intoxicating liquors for on premises consumption. (1989 Code, § 8-204)

8-205. Violation and penalty. (1) For failure to pay privilege tax.

(a) The failure to pay the privilege tax shall result in a penalty being imposed in the amount of five percent (5%) for each month of delinquency or part thereof. In the event that any person fails to pay the privilege tax as required under this chapter, within a period of thirty (30) days, the privilege of selling alcoholic beverages for consumption on the premises shall be automatically revoked. Any person who, after said thirty (30) day period, continues to engage in the business after revocation of his privilege, shall be guilty of a misdemeanor, which shall be punishable according to the general penalty provisions of this code of ordinances. Each business day in which sales are made after the thirty (30) days shall constitute a separate offense.

(b) The town may file and maintain injunctive proceedings against any person for the purpose of enjoining him/her from doing business when said privilege has been revoked.

(2) Other violations of this chapter. Violations of this chapter shall be punished according to the general penalty provisions of this code of ordinances. (1989 Code, § 8-205)

CHAPTER 3

BEER[1]

SECTION

8-301. Beer board established.
8-302. Meetings of the beer board.
8-303. Requirements for beer board quorum and action.
8-304. Powers and duties of the beer board.
8-305. "Beer" defined.
8-306. Permit required for engaging in beer business.
8-307. Privilege tax.
8-308. Beer permits shall be restrictive.
8-309. Interference with public health, safety, and morals prohibited.
8-310. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
8-311. Revocation or suspension of beer permits.
8-312. Civil penalty in lieu of revocation or suspension.
8-313. Loss of clerk's certification for sale to minor.
8-314. Violation and penalty.

8-301. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the beer board. (Ord. #10-31, Nov. 2010)

8-302. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #10-31, Nov. 2010)

8-303. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters

---

[1]Municipal code references

Public drunkenness, minors in beer places, etc.: title 11, chapter 2.

Tax provisions: title 5.

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).

before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #10-31, Nov. 2010)

8-304. Powers and duties of the beer board.[1] The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (Ord. #10-31, Nov. 2010)

8-305. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight; provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. (Ord. #10-31, Nov. 2010)

8-306. Permit required for engaging in beer business.[2] It shall be unlawful for any person other than a package store licensee to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a nonrefundable application fee of two hundred fifty dollars ($250.00). Said fee shall be in the form of a cashier's check payable to the Town of Monteagle. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #10-31, Nov. 2010, modified)

8-307. Privilege tax.[3] There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars ($100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the Town of Monteagle, 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

---

[1]State law reference
Tennessee Code Annotated, § 57-5-106.

[2]State law reference
Tennessee Code Annotated, § 57-5-103.

[3]State law reference
Tennessee Code Annotated, § 57-5-104(b).

on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #10-31, Nov. 2010)

8-308. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off-premises consumption. A single permit may be issued for on-premise and off-premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions in his permit. (Ord. #10-31, Nov. 2010)

8-309. 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, residences, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred feet (300') of any school, residence, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the school, residence, church or other place of public gathering.

No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, church, or other place of public gathering if a valid permit had been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. (Ord. #10-31, Nov. 2010)

8-310. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

(1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

(2) Make or allow the sale of beer between the hours of 12:00 midnight and 6:00 A.M. on weekdays and between the hours of 12:00 midnight Saturday and 12:00 noon on Sunday.

(3) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

(4) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(5) Allow drunk persons to loiter about his premises.

(6) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

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

(8) Fail to provide and maintain separate sanitary toilet facilities for men and women.

(9) The on- and off-premises sale and the on-premises service or consumption of beer or other beverages with an alcohol content not to exceed five percent (5%), is prohibited between the hours of 2:00 A.M. and 6:00 A.M. (Ord. #10-31, Nov. 2010, as amended by Ord. #4-F-210, Jan. 2011)

8-311. Revocation or suspension of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (Ord. #10-31, Nov. 2010)

8-312. Civil penalty in lieu of revocation or suspension.

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

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a

responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars ($1,000.00) for any other offense.

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

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

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose. (Ord. #10-31, Nov. 2010)

8-313. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Ord. #10-31, Nov. 2010)

8-314. Violation and penalty. Except as provided in § 8-315, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty of up to a five hundred dollar ($500.00) maximum. Each day a violation shall be allowed to continue shall constitute a separate offense. (Ord. #10-31, Nov. 2010, as amended by Ord. #4-F-2010, Jan. 2011)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. MASSAGE PARLORS, ETC.
3. SALE OF EPHEDRINE OR PSEUDOEPHEDRINE.
4. MOBILE FOOD UNITS.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.[2]

SECTION

9-101. Definitions.
9-102. Exemptions.
9-103. Permit required.
9-104. Permit procedure.
9-105. Restrictions on peddlers, street barkers and solicitors.
9-106. Restrictions on transient vendors.
9-107. Display of permit.
9-108. Suspension or revocation of permit.
9-109. Expiration and renewal of permit.
9-110. Violation and penalty.

9-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

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

---

[1]Municipal code references
Building, plumbing, wiring and residential regulations: title 12.
Junkyards: title 13.
Liquor and beer regulations: title 8.
Noise reductions: title 11, chapter 5.
Zoning: title 14.

[2]Municipal code references
Privilege taxes: title 5.
Trespass by peddlers, etc.: § 11-801.

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

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

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

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

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

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

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

(6) "Transient vendor"[1] means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months. (1989 Code, § 9-101, modified)

9-102. Exemptions. The terms of this chapter shall not apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (1989 Code, § 9-102)

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter. (1989 Code, § 9-103)

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the town recorder by each applicant for a permit as a peddler, transient vendor, solicitor,

---

[1]State law reference

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

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 67-4-702. Note also that Tennessee Code Annotated, § 67-4-702 prescribes that transient vendors shall pay a tax of $50.00 for each fourteen (14) day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

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

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

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

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

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

(f) Tennessee State Sales Tax Number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of fifty dollars ($50.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

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

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the town recorder, the town recorder shall submit to the chief of police a copy of the application form and the permit. (1989 Code, § 9-104, modified)

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

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

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

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

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

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (1989 Code, § 9-105)

9-106. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (1989 Code, § 9-106)

9-107. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (1989 Code, § 9-107)

9-108. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the town recorder for any of the following causes:

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

(b) Any violation of this chapter.

The suspension of a permit by the recorder may be appealed to the board of mayor and aldermen by the permit holder giving notice of appeal in writing to the town recorder. The recorder shall schedule a hearing on the appeal within a reasonable time, and shall give the permit holder notice of the time and place set for a hearing on the appeal. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in subsection (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the town recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1989 Code, § 9-108)

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the town. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (1989 Code, § 9-109)

9-110. Violation and penalty. In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances.

The town recorder shall provide to the permit holder notice in writing of the grounds for the suspension of the permit. (1989 Code, § 9-110)

CHAPTER 2

MASSAGE PARLORS, ETC.

SECTION

9-201. Purpose and intent.
9-202. Definitions for massage regulations.
9-203. Massage permit required.
9-204. Exemptions.
9-205. Application for massage establishment license.
9-206. Application for massagist's permits.
9-207. Issuance of license or permit for a massage establishment.
9-208. Approval or denial of application.
9-209. Multiple massage establishments.
9-210. Posting of license.
9-211. Register of employees.
9-212. Revocation or suspension of establishment license.
9-213. Revocation or masseur or masseuse permit.
9-214. Facilities necessary.
9-215. Operating requirements.
9-216. Persons under age eighteen prohibited on premises.
9-217. Alcoholic beverages prohibited.
9-218. Hours.
9-219. Employment of massagist.
9-220. Inspection required.
9-221. Unlawful acts.
9-222. Sale or transfer or change of location.
9-223. Name and place of business.
9-224. Transfer of license.
9-225. Violation and penalty.

9-201. Purpose and intent. It is the purpose and intent of the Town of Monteagle Board of Mayor and Aldermen in adopting this chapter to protect and preserve the health, safety, and welfare of the inhabitants of this town through the enactment of standards of sanitation, professional competence, fire safety and building construction as said standards shall apply to massage establishments and massagists. (1989 Code, § 9-401)

9-202. Definitions for massage regulations. For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section.

(1) "Employee" means any person over eighteen (18) years of age, other than a massagist, who renders any service in connection with the operation of

a massage business and receives compensation from the operator of the business or patrons.

(2) "Licensee" means the person to whom a license has been issued to own or operate a massage establishment as defined herein.

(3) "Massage" means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hand or other parts of the body, or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder creams, lotion, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that is reasonably expected that the person to whom the treatment is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefor.

(4) "Massage establishment" means any establishment having a source of income or compensation derived from the practice of massage as defined in subsection (3), and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined in subsection (3).

(5) "Massagist, masseur or masseuse" means any person who, for any consideration whatsoever, engages in the practice of massage as defined in subsection (3).

(6) "Outcall massage service" means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client, rather than at a massage establishment as defined in subsection (3).

(7) "Patron" means any person over eighteen (18) years of age who receives a massage under circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

(8) "Permittee" means the person to whom a permit has been issued to act in the capacity of a massagist (masseur or masseuse) as herein defined.

(9) "Person" means any individual, partnership, firm association, joint stock company, corporation or combination of individuals of whatever form or character.

(10) "Recognized school" means any school or education institution licensed to do business as a school or education institution in the state in which it is located, or any school recognized by or approved by or affiliated with the American Massage and Therapy Association, Inc., and which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study not less than seventy (70) hours before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

(11) "Sexual or genital area" means genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female. (1989 Code, § 9-402)

9-203. Massage permit required. (1) Massage establishment permit required. No person shall engage in or carry out the business of massage unless he has a valid massage establishment permit issued by the town pursuant to the provisions of this chapter for each and every separate office or place of business conducted by such person.

(2) Massagist's permit required. No person shall practice massage as a massagist, employee or otherwise, unless he has a valid and subsisting massagist's permit issued to him by the town pursuant to the provisions of this chapter. (1989 Code, § 9-403)

9-204. Exemptions. This chapter shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

(1) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State of Tennessee.

(2) Nurses who are registered under the laws of this state.

(3) Barbers and beauticians who are duly licensed under the laws of this state, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes. (1989 Code, § 9-404)

9-205. Application for massage establishment license. Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application under oath with the Town of Monteagle upon a form provided by the police department and pay a nonrefundable annual license fee, which shall be one hundred dollars ($100.00) per year or any part thereof. The application, once accepted, shall be referred to the police department for investigation. Copies of the application shall within five (5) days also be referred to the bureau of inspections, the fire department, and the health department. The departments shall within thirty (30) days inspect the premises proposed to be operated as a massage establishment, and shall make written verification to the police department concerning compliance with the codes of the Town of Monteagle that they administer. The police department shall make investigation of the applicant's character and qualifications. Each application shall contain the following information:

(1) A definition of service to be provided.

(2) The location, mailing address and all telephone numbers where the business is to be conducted.

(3) The name and residence address of each applicant (hereinafter all provisions which refer to applicant include an applicant which may be a corporation or partnership).

(a) If the applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten percent (10%) of the stock of the corporation, and the address of the corporation itself, if different from the address of the massage establishment.

(b) If applicant is a partnership, the names and residence addresses of each of the partners, including limited partners, and the address of the partnership itself, if different from the address of the massage establishment.

(4) The two (2) previous addresses immediately prior to the present address of the applicant.

(5) Proof that the applicant is at least eighteen (18) years of age.

(6) Individual or partnership applicant's height, weight, color of eyes and hair, and sex.

(7) Copy of identification such as driver's license and social security card.

(8) One (1) portrait photograph of the applicant at least two inches by two inches (2"x2"), and a complete set of applicant's fingerprints which shall be taken by the chief of police or his agent. If the applicant is a corporation, one (1) portrait photograph at least two inches by two inches (2"x2") of all officers and managing agents of said corporation, and a complete set of the same officers' and agents' fingerprints which shall be taken by the chief of police or his agent. If the applicant is a partnership, one front-face portrait photograph at least two inches by two inches (2"x 2") in size of each partner, including limited partners in said partnership, and a complete set of each partner or limited partner's fingerprints which shall be taken by the chief of police or his agents.

(9) Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of application.

(10) The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state, has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(11) All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted.

(12) The name and address of each massagist who is or will be employed in said establishment.

(13) Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught; provided, however, that if the applicant will not himself engage in the practice massage as defined herein, he

need not possess such diploma or certificate or graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught.

(14) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection (3) wherein the business or profession of massage is carried on.

(15) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

(16) Authorizations for the town, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application, and the qualifications of the applicant for the permit.

(17) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

(18) The names, current addresses and written statements of at least three (3) bona fide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the town, then the county, then the State of Tennessee, and lastly from the rest of the United States. These references must be persons other than relatives and business associates.

Upon completion of the above-provided form and the furnishing of all foregoing information, the police department shall accept the application for necessary investigations. The holder of a massage establishment license shall notify the police department of each change in any of the data required to be furnished by this section within ten (10) days after such change occurs. (1989 Code, § 9-405)

9-206. Application for massagist's permits. Application for a massagist's permit shall be made to the chief of police in the same manner as provided above for massage establishment licenses, accompanied by the annual nonrefundable massagist's permit fee of seventy-five dollars ($75.00) per year or part thereof. The application shall contain but not be limited to the following:

(1) The business address and all telephone numbers where massage is to be practiced.

(2) Name and residence address, and all names, nicknames, and aliases by which the applicant has been known, including the two (2) previous addresses immediately prior to the present address of the applicant.

(3) Social security number, driver's license [number], if any, and date of birth.

(4) Applicant's weight, height, color of hair and eyes, and sex.

(5) Written evidence that the applicant is at least eighteen (18) years of age.

(6) A complete statement of all convictions of the applicant for any felony or misdemeanor or violation of a local ordinance, except misdemeanor traffic violations.

(7) Fingerprints of the applicant taken by the police department.

(8) Two (2) front-face portrait photographs taken within thirty (30) days of the date of application, and at least two inches by two inches (2"x2") in size.

(9) The name and address of the recognized school attended, the date attended, and a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has completed not less than seventy (70) hours of instruction.

(10) The massage or similar business history and experience ten (10) years prior to the date of application, including but not limited to whether or not such person in previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended, and the reasons therefor, and the business activities or occupations subsequent to such action or denial, suspension or revocation.

(11) The names, current addresses and written statements of at least five (5) bona fide permanent residents, other than relatives, of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the city, then the county, then the State of Tennessee and lastly from the rest of the United States.

(12) A medical certificate signed by a physician, licensed to practice in the State of Tennessee, within seven (7) days of the date of the application. The certificate shall state that the applicant was examined by the certifying physician, and that applicant is free of any communicable disease. The additional information required by this subsection shall be provided at the applicant's expense.

(13) Such other information, identification and physical examination of the person deemed necessary by the police chief in order to discover the truth of the matters hereinbefore required to be set forth in the application.

(14) Authorization for the town, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application, and the qualifications of the applicant for the permit.

(15) Written declaration by the applicant, under penalty or perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the town. (1989 Code, § 9-406)

9-207. Issuance of license or permit for a massage establishment. The Town of Monteagle shall issue a license for a massage establishment or a permit for a masseur or masseuse, after ratification by the Board of Mayor and Aldermen of the Town of Monteagle, if all requirements for a massage establishment or massagist permit described in this chapter are met, unless it finds:

(1) The correct permit or license fee has not been tendered to the town, and in the case of a check, or bank draft, honored with payment upon presentation.

(2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the town's building, zoning, fire and health regulations.

(3) The applicant, if an individual; or any of the stockholders holding more than ten percent (10%) of the stock of the corporation, any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business and/or the equipment used therein; and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses or convicted of an offense without the State of Tennessee that would have constituted any of the following offenses if committed within the State of Tennessee.

(a) An offense involving the use of force and violence upon the person of another that amounts to a felony.

(b) An offense involving sexual misconduct.

(c) An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

The Town of Monteagle may issue a license or permit to any person convicted of any of the crimes described in subsections (a), (b), or (c) of this subsection (c) if it finds that such conviction occurred at least five (5) years prior to the date of the application, and the applicant has had no subsequent felony convictions for crimes mentioned in this section.

(4) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the permit application or in any document required by the city in conjunction therewith.

(5) The applicant has had a massage business, masseur, other similar permit or license denied, revoked, or suspended by the city or any other state or local agency within five (5) years prior to the date of the application.

(6) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of eighteen (18) years. (1989 Code, § 9-407)

9-208. <u>Approval or denial of application</u>. The Town of Monteagle shall act to approve or deny any application for a license or permit under this chapter within a reasonable period of time, and in no event shall the Town of Monteagle act to approve or deny said license or permit later than ninety (90) days from the date that said application was accepted by the police department. Every license or permit issued pursuant to this ordinance will terminate at the

expiration of one year from the date of its issuance, unless sooner suspended or revoked. (1989 Code, § 9-408)

9-209. Multiple massage establishments. Should any massage business have more than one (1) location where the business of massage is pursued, then a permit, stating both the address of the principal place of business, and of the other location(s), shall be issued by the chief of police upon the tender of a license fee of one hundred dollars ($100.00) for each additional location. Licenses issued for other locations shall terminate on the same date as that of the principal place of business, regardless of the date of issuance. (1989 Code, § 9-409)

9-210. Posting of license. (1) Every massagist shall post the permit required by this chapter in his work area.

(2) Every person, corporation, partnership or association licensed under this ordinance shall display such license in a prominent place. (1989 Code, § 9-410)

9-211. Register of employees. The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time as masseurs or masseuses and their permit numbers. Such register shall be available at the massage establishment to representatives of the Town of Monteagle during regular business hours. (1989 Code, § 9-411)

9-212. Revocation or suspension of establishment license. Any license issued for a massage establishment may be revoked or suspended by the Town of Monteagle after notice and a hearing, for good cause, or in any case where any of the provisions of this chapter are violated, or where any employee of the licensee, including a masseur or masseuse, is engaged in any conduct which violated any of the state of local laws of ordinances at licensee's place of business, and the licensee has actual or constructive knowledge by due diligence. Such permit may also be revoked or suspended by the Town of Monteagle after notice and hearing, upon the recommendation of the appropriate county health department that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene. (1989 Code, § 9-412)

9-213. Revocation of masseur or masseuse permit. A masseur or masseuse permit issued by the chief of police shall be revoked or suspended where it appears that the masseur or masseuse has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this chapter. (1989 Code, § 9-413)

9-214. Facilities necessary. No license to conduct a massage establishment shall be issued unless an inspection by the Town of Monteagle reveals that the establishment complies with each of the following minimum requirements:

(1) Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed material, and shall be installed in accordance with the town building code. Plumbing fixtures shall be installed in accordance with the town plumbing code.

(a) Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the Town of Monteagle building inspector.

(b) Floors of wet and dry heat rooms shall be adequately pitched to one (1) or more floor drains properly connected to the sewer. (Exception: Dry heat rooms with wooden floors need not be provide with pitched floors and floor drains.)

(c) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

(2) The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.

(3) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.

(4) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.

(5) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels.

(6) All electrical equipment shall be installed in accordance with the requirement of the town electrical code. (1989 Code, § 9-414)

9-215. Operating requirements. (1) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(2) Price rates for all service shall be prominently posted in the reception area in a location available to all prospective customers.

(3) All employees, including masseurs and masseuses, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas, whose use is restricted to the massage establishment. A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing room shall open inward and shall be self-closing.

(4) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity, and shall be laundered after each use thereof and stored in a sanitary manner.

(5) No massage establishment granted a license under the provisions of this ordinance shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services. (1989 Code, § 9-415)

9-216. Persons under age eighteen prohibited on premises. No person shall permit any person under the age of eighteen (18) years to come or remain on the premises of any massage business establishment, as masseur, employee, or patron, unless such person is on the premises on lawful business. (1989 Code, § 9-416)

9-217. Alcoholic beverages prohibited. No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage business. (1989 Code, § 9-417)

9-218. Hours. No massage business shall be kept open for any purpose between the hours of 10:00 P.M. and 8:00 A.M. (1989 Code, § 9-418)

9-219. Employment of massagist. No person shall employ as a massagist any person unless said employee has obtained and has in effect a permit issued pursuant to this chapter. (1989 Code, § 9-419)

9-220. Inspection required. The chief of police or his authorized representatives shall from time to time make inspection of each massage business establishment for the purpose of determining that the provisions of this chapter are fully complied with. It shall be unlawful for any permittee to fail to allow such inspection officers access to the premises or hinder such officer in any manner.

If in the opinion of the chief of police or his authorized representative, there is probable cause to enter a massage establishment for the purpose of

making inspections and examinations pursuant to this chapter, he shall request the owner or occupant thereof to grant permission for such entry, and if refused, he shall inform the chief of police, and he, or his designee, a police officer, shall make application to a judge why the search warrant should be issued for the purposes set forth in this chapter. (1989 Code, § 9-420)

9-221. Unlawful acts. (1) Treatment of persons of opposite sex restricted. It shall be unlawful for any person holding a permit under this section to treat a person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatment, not to exceed ten (10). The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given, and shall be subject to inspection by the police pursuant to § 9-220. The requirements of this subsection shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.

(2) It shall be unlawful for any person in a massage parlor to place his or her hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(3) It shall be unlawful for any person, while in the presence of any other person in a massage parlor, to fail to conceal with a fully opaque covering, the sexual or genital parts, or any portions thereof, of any other person.

(4) It shall be unlawful for any person owning, operating, or managing a massage parlor, knowingly to cause, allow or permit in or about such massage parlor, an agent, employee, or any other person under his control or supervision to perform such acts prohibited in subsections (1), (2), or (3) of this section.

(5) It shall be further unlawful for any permittee under this chapter to administer massage on an outcall basis as defined in § 9-302(6). Such person shall administer massage solely within an establishment licensed to carry on such business under this chapter. Any violation of these provisions shall be deemed grounds for revocation of the permit granted hereunder. The restriction on outcall massage shall not apply to a permittee who performs outcall massage as defined herein upon a customer or client who, because of reasons of physical defects or incapacities, or due to illness, is physically unable to travel to the massage establishment. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer of client, and the name of the employee administering such treatment and the type of treatment administered, as well as the nature of the physical defect, incapacity of illness of said client or customer shall be kept by the licensee or person or employee designated by the licensee. Such

records shall be open to inspection by officials charged with the enforcement of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or sue of such information by an employee of the business or the Town or Monteagle shall be unlawful.

(6) It shall be unlawful for any massage service to be carried on within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked. All doors or doorway covering within a massage establishment shall have an obstructed opening six inches by six inches (6"x6") in size capable of clear two-way viewing into and out of all cubicles, rooms, or booths. The opening shall be not less than four and one-half feet (4 1/2') from the floor of the establishment, nor more than five and one-half feet (5 1/2') from the floor. Toilets and cubicles used solely for the application of liquid and vapor baths shall have no such opening in the covering, door or curtain, but shall be clearly marked as to the purpose on the exterior door or curtain of said cubicle, room or booth. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the police or health department. (1989 Code, § 9-421)

9-222. Sale or transfer or change of location. Upon sale, transfer or relocation of massage establishment, the license therefor shall be null and void unless approved as provided in § 9-207; provided, however that upon the death or incapacity of the licensee or any co-licensee of the establishment, any heir or devisee of a deceased licensee, may continue the business of the massage establishment for a reasonable period of time not to exceed sixty (60) days to allow for an orderly transfer of the license. (1989 Code, § 9-422)

9-223. Name and place of business. No person granted a license pursuant to this chapter shall operate the massage establishment under a name not specified in his license, nor shall he conduct business under any designation or location not specified in his license. (1989 Code, § 9-423)

9-224. Transfer of license. No license or permit shall be transferable except with the consent of the Town of Monteagle and ratified by the Board of Mayor and Aldermen of the Town of Monteagle. An application for such transfer shall be in writing and shall be accompanied by fees prescribed in §§ 9-205 and 9-206. The written application for such transfer shall contain the same information as requested herein for initial application for the license or permit. (1989 Code, § 9-424)

9-225. Violation and penalty. Every person, except those person who are specifically exempted by this chapter, whether acting as an individual

owner, employee of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who gives massages or operates a massage establishment of any of the services defined in this chapter without first obtaining a license or permit and paying a fee to do so from the Town of Monteagle, or shall violate any provision of this chapter, shall be guilty of a misdemeanor and upon conviction such person shall be punished according to the general penalty provision of this code of ordinances. (1989 Code, § 9-425)

CHAPTER 3

SALE OF EPHEDRINE OR PSEUDOEPHEDRINE

SECTION

9-301. Definitions.
9-302. Restrictions on public access to ephedrine products.
9-303. Reporting theft of ephedrine products.
9-304. Violation and penalty.

9-301. Definitions. As used in this chapter, the following words and/or phrases shall have the following meanings as set forth herein:

(1) "Ephedrine." All forms of ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, phenylpropanolamine and all other combinations of these chemicals.

(2) "Ephedrine product." Any product that contains ephedrine, its salts, isomers, or salts of isomers, as its sole active ingredient or in combination with less than therapeutically significant qualities of other active ingredients.

(3) "Package." Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

(4) "Person." Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity selling an ephedrine product to customers.

(5) "Sell." To knowingly furnish, give away, exchange, transfer, deliver, surrender or supply, whether for monetary gain or not. (Ord. #07-13, July 2013)

9-302. Restrictions on public access to ephedrine products. It shall be illegal to sell, deliver, or distribute ephedrine, pseudoephedrine, their salts, their optical isomers or salts of their optical isomers, without a valid prescription from a physician or other healthcare professional licensed by the State of Tennessee to write prescriptions and filled by a Tennessee-licensed pharmacist. (Ord. #07-13, July 2013)

9-303. Reporting theft of ephedrine products. Any person who sells ephedrine products and who discovers a theft, disappearance or other loss of an ephedrine product shall report the theft, disappearance or other loss in writing to the Monteagle Police Department within twenty-four (24) hours of such discovery.

Any person who sells ephedrine products shall report to the Monteagle Police Department any difference between the quantities of ephedrine products shipped and the quantity of ephedrine products received within twenty-four (24) hours of discovery. (Ord. #07-13, July 2013)

9-304. Violation and penalty. (1) Penalty and injunctive relief. Each violation of this chapter shall be considered a separate offense.

The town council may institute an action for injunctive relief to enforce the provisions of this chapter.

Every act or omission constituting a violation of any of the provisions of this chapter by any agent or employee of any person shall be deemed and held to be the act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him/her or it personally, provided such an act or omission was within the scope of employment or the scope of authority of such agent or employee.

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supercede, supplant or otherwise nullify any other ordinance of the town or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the town council that it would have enacted this ordinance without valid or unenforceable provisions. In the event of a subsequent change in the applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon to full force and effect without further action by the town and shall thereafter be binding.

(2) Civil penalty. Any Town of Monteagle sworn law enforcement officer is hereby empowered to issue a citation to any person for any violation of the provisions of this section. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person to the violator or they may be delivered by registered mail to the person so charged if the person cannot be readily found. Any citation so delivered or mailed shall direct the alleged violator to appear in town court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same. Citations issued for a violation of any of the provisions of this section shall be tried in the town court. The town court judge shall determine whether a defendant has committed a violation of this section. The town shall bear the burden of proof by a preponderance of the evidence. If a defendant pleads guilty or "no contest" to the alleged violation, or is found guilty by the town court judge, the town court judge shall assess a civil monetary fine as a penalty against any person found to have violated any of the provisions of this chapter, said fine to be in the amount of fifty dollars ($50.00) for each violation. Each day of violation shall be deemed a separate violation. Each separate package containing any substance containing any ephedrine as defined herein shall be deemed a separate violation. In addition to the civil

monetary fine, any defendant who pleads guilty or "no contest" to the alleged violation, or who is found guilty by the town court judge, shall be assessed court costs as provided by law, and in addition shall be ordered to pay an administrative fee to the town in an amount to recoup the cost incurred by the town law enforcement agency for any chemical test conducted by or at the request of the law enforcement agency that is used to determine the chemical content of any substance collected from the defendant which formed the basis for any citation charge. Appeal may be had as provided by law. (Ord. #07-13, July 2013)

CHAPTER 4

MOBILE FOOD UNITS

SECTION

9-401. Definitions.
9-402. Requirements of mobile food units.
9-403. Permit requirements.
9-404. Operational requirements.
9-405. Compliance with health regulations.

9-401. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Mobile food unit" means any motorized vehicle or trailer attached to a motorized vehicle that includes a self-contained kitchen in which food is prepared or processed and from which food is sold or dispensed to the ultimate consumer.

(2) "Operator" means any person holding a mobile food unit permit or any person who is engaged in the selling or offering for sale, of food, beverages, fruit or like consumable products from a mobile food unit. (Ord. #04-14, June 2014)

9-402. Requirements of mobile food units. Mobile food units shall meet all applicable requirements as follows:

(1) No person shall engage in the business of a mobile food preparation vehicle within the Town of Monteagle without first having obtained all required business licenses, a mobile food unit permit, and any permits, licenses and/or certifications required by the jurisdictional county and/or the State of Tennessee.

(2) No person shall sell, or offer for sale, any food, beverage, fruit, or like consumable product from any mobile food unit unless:

(a) Such person obtains a mobile food unit permit from Monteagle Town Hall;

(b) Such sales are made from a mobile food unit under the control of a mobile food unit operator; and

(c) The mobile food unit operator has obtained written permission from the owner or lessee of the premises on which the mobile food unit is located to operate on mobile food unit from the property.

(3) Mobile food units may only operate in the C-1 Central Business District, C-2 Highway Business District, C-3 Interchange Commercial District, and I-1 Industrial District as defined by the Zoning Ordinance for the Town of

Monteagle and delineated by the accompanying zoning map.[1] Violations will be enforced by the zoning enforcement officer.

(4) Mobile food units must be mobile and on wheels at all times during operation. A trailer shall remain attached to its towing vehicle at all times.

(5) Mobile food units must be removed from authorized operating locations in permitted zones when not in use and between the hours of 12:00 A.M. and 6:00 A.M. This definition does not include vehicles operating under a special event permit.

(6) The operator shall have posted the current price per unit or measure for each type of item sold. (Ord. #04-14, June 2014)

9-403. Permit requirements. (1) The title of this permit shall be the "Mobile Food Unit Permit."

(2) A mobile food unit permit, as authorized by the State of Tennessee and the Town of Monteagle, will not be issued to a person unless the following conditions are met:

(a) The vehicle must be specially designed as a mobile food unit and be in compliance with all applicable health regulations and life safety requirements for the jurisdictional county and the State of Tennessee.

(b) The driver of the vehicle must present a valid Tennessee Driver's License, current automobile insurance (including liability insurance for the mobile food unit), and current vehicle registration as required by Tennessee law and enforced by law enforcement authorities.

(3) Any person desiring a mobile food unit permit shall make written application to the town hall stating:

(a) Name, home address, business address, and telephone number of the applicant and the name, address, and telephone number of the owner of the mobile food unit, if other than the applicant, to be used in the operator's business;

(b) A description of the type of food, beverage, fruit, or like consumable product to be sold; and

(c) The Vehicle Identification Number (VIN#), a brief description including make and model, and at least two (2) photographs of the mobile food unit.

(4) Before any permit is issued, the applicant must submit satisfactory evidence that he has complied with the state business tax act and all state statutes and regulations controlling health and dispensing of food. Nothing herein shall excuse any applicant/operator from complying with all applicable state statutes and municipal ordinances controlling health standards and requirements and the operation of businesses.

---

[1]The zoning map of the Town of Monteagle (and any amendments) is available in the office of the town recorder.

(5) Upon compliance with the provisions of this chapter, the town shall issue to the applicant a mobile food unit permit authorizing the operator to do business upon payment of a permit fee of one hundred dollars ($100.00); provided, the applicant complies with the other provisions of this chapter.

(6) A permit issued under this chapter shall be valid for one (1) year from the date of issuance and shall be renewed on an annual basis (concurrent with the renewal and issuance of business licenses) upon proper application and payment of the permit fee. Each permit shall be valid for only one (1) mobile food unit. Each operator and/or applicant shall file an additional application and pay an additional permit fee for each additional mobile food unit.

(7) All permits issued under this chapter shall be displayed inside the mobile food unit at all times during the operation of the mobile food unit. The permit shall be displayed in such a manner that it can be viewed from the outside. (Ord. #04-14, June 2014)

9-404. Operational requirements. (1) Mobile food units are prohibited from operating upon public streets, sidewalks or public property within the limits of the Town of Monteagle, unless having obtained prior written permission with specific time references.

(2) Mobile food units are prohibited from operating on private property, except with prior written permission from the owner or lessee on which the mobile food unit is located.

(3) Mobile food units must not be parked within ten feet (10') of a public right-of-way.

(4) Mobile food units may not sell or dispense anything between 12:00 A.M. and 6:00 A.M.

(5) No mobile food unit shall be equipped with any external electronic sound-amplifying device. No operator shall shout, make any noise, or use any device for the purpose of attracting attention to the mobile food units or the items it offers for sale.

(6) Mobile food units shall be limited to the sale of food and non-alcoholic drinks. The sale of other merchandise or services will not be permitted.

(7) Cooking must not be conducted while the vehicle is in motion.

(8) Signs which are permanently affixed to the mobile food unit shall extend no more than six inches (6") from the vehicle. All signs shall be attached to or painted on the mobile food unit. Electronic signs are prohibited, as are signs that flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion or movement.

(9) The operator must provide for the sanitary collection of all refuse, litter and garbage within twenty-five feet (25') of the mobile food unit which is generated by the mobile food unit operation or the patrons using that service

and shall remove all such waste materials from the location before the vehicle departs.

(10) The operation of the mobile food unit is limited to the interior of the unit. There shall be no outside seating implements in the form of benches, tables, chairs or other furniture which may be used for eating or sitting. (Ord. #04-14, June 2014)

9-405. Compliance with health regulations. (1) Operators of mobile food units shall comply with all regulations and laws governing mobile food service establishments and food service establishments adopted by the department of public health the jurisdictional county and enacted by the State of Tennessee.

(2) Operators of mobile food units shall obtain all necessary health certificates and permits. (Ord. #04-14, June 2014)

TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1

IN GENERAL

SECTION
10-101. Running at large prohibited.
10-102. Keeping near a residence or business restricted.
10-103. Pen or enclosure to be kept clean.
10-104. Adequate food, water, and shelter, 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. Issuance of orders and notices.
10-109. Violation and penalty.

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

Any person, including its owner, who knowingly or negligently permits an animal or animals to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #01-05, Sept. 2001)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section with the exception of dogs and cats within one thousand feet (1,000') of any residence or place of business without the approval of the Monteagle Board of Aldermen who shall only grant such approval when in their sound judgment the keeping of such animal(s) or fowl(s) under the circumstances as set forth in application for the permit will not injuriously affect the public health and welfare. (Ord. #01-05, Sept. 2001)

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 such other enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (Ord. #01-05, Sept. 2001)

10-104. Adequate food, water, and shelter 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. (Ord. #01-05, Sept. 2001)

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. (Ord. #01-05, Sept. 2001)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any animal or fowl. (Ord. #01-05, Sept. 2001)

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 any police officer or other properly person designated by the board and confined in a pound provided or designated by the board. If the owner is known he shall be given notice in person, by telephone, or by letter 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 from the date of the notice by paying the pound costs and fines which may be levied against the owner or the same will be humanely destroyed or otherwise disposed of. If not claimed by the owner, the animal or fowl shall be sold, given away, or humanely destroyed, or it may otherwise be disposed of as authorized by the board.

The town recorder shall collect from each person claiming an impounded animal or fowl reasonable fees and fines, in accordance with a schedule approved by the board. (Ord. #01-05, Sept. 2001)

10-108. Issuance of orders and notices. It shall be the duty of the rabies control officer or his representative or such other person authorized by the board to issue orders requiring the removal of animals and fowls from within the corporate limits of the Town of Monteagle when the keeping of such animals and/or fowls is in violation of this chapter and at all times when the keeping of such animals and/or fowls may constitute a hazard or a nuisance to the public.

He may issue orders requiring the owner(s) or occupant(s) of properties where such animals and/or fowls are quartered, to clean stalls, stables, pens, and yards routinely and to maintain such appurtenances in a clean and sanitary condition. Failure to maintain premises in a satisfactory condition at any and all times following the receipt of such orders will be considered as justification for causing the removal of such animals or fowls from within the corporate town limits. (Ord. #01-05, Sept. 2001)

10-109. Violation and penalty. Anyone found guilty of a violation of this chapter is subject to a fine of up to fifty dollars ($50.00) per day of violation. (Ord. #01-05, Sept. 2001, modified)

CHAPTER 2

DOGS AND CATS

SECTION

10-201. Rabies vaccination and registration required.
10-202. Dogs and cats to wear tags.
10-203. Running at large prohibited.
10-204. Vicious dogs and cats to be securely restrained.
10-205. Noisy dogs and cats prohibited.
10-206. Confinement of dogs and cats suspected of being rabid.
10-207. Seizure and disposition of dogs and cats.
10-208. Destruction of vicious or infected dogs and cats running at large.
10-209. Violation and penalty.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law"[1] or other applicable law. Any impounded dog or cat must be vaccinated before release if proof of current vaccination is not furnished by the owner. The owner shall pay the cost of vaccination and an additional fee of twenty-five dollars ($25.00) for escorting the animal to a veterinary clinic for vaccination prior to release. (Ord. #01-05, Sept. 2001, modified)

10-202. Dogs and cats to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1989 Code, § 10-202, modified)

10-203. Running at large prohibited.[2] It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog or cat to run at large, including the owner of the dog or cat, may be prosecuted under this section even if the dog or cat is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1989 Code, § 10-203, modified)

---

[1]State law reference
Tennessee Code Annotated, §§ 68-8-101 through 68-8-114.

[2]State law reference
Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

10-204. Vicious dogs and cats to be securely restrained. It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (Ord. #01-05, Sept. 2001, modified)

10-205. Noisy dogs and cats prohibited. No person shall own, keep, or harbor any dog(s) or cat(s) which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (Ord. #01-05, Sept. 2001, modified)

10-206. Confinement of dogs and cats suspected of being rabid. If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal control officer or other person designated by the board may cause such dog or cat to be confined or isolated for such time as he deems reasonably necessary to determine if such dog or cat is rabid. (Ord. #01-05, Sept. 2001, modified)

10-207. Seizure and disposition of dogs and cats. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly person designated by the board and confined in a pound provided or designated by the board. If the owner is known he shall be given notice in person, by telephone, or by letter 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 from the date of the notice by paying the pound costs and fines which may be levied against the owner or the same will be humanely destroyed or otherwise disposed of. If not claimed by the owner, the animal or fowl shall be sold, given away, or humanely destroyed, or it may otherwise be disposed of as authorized by the board.

The town recorder shall collect from each person claiming an impounded animal or fowl reasonable fees and fines, in accordance with a schedule approved by the board. (Ord. #01-05, Sept. 2001, modified)

10-208. Destruction of vicious or infected dogs and cats running at large. When, because of its viciousness or apparent infection with rabies, a dog or cat running at large cannot be safely impounded, it may be summarily destroyed by an police officer or other person designated by the board. (Ord. #01-05, Sept. 2001, modified)

10-209. Violation and penalty. Anyone found guilty of a violation of this chapter is subject to a fine of up to fifty dollars ($50.00) per day for violation. (Ord. #01-05, Sept. 2001, modified)

TITLE 11

MUNICIPAL OFFENSES[1]

CHAPTER
1. OFFENSES AGAINST THE PEACE AND QUIET.
2. OFFENSES AGAINST TOWN PROPERTY.

CHAPTER 1

OFFENSES AGAINST THE PEACE AND QUIET

SECTION
11-101. Disturbing the peace.
11-102. Anti-noise regulations.
11-103. Declared unnecessary noises enumerated.
11-104. Non-vehicular noises restricted.
11-105. Vehicular noise regulations.
11-106. Excessive noise from motor vehicles.
11-107. Exemptions.

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

11-102. Anti-noise regulations. (1) The making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise in the town which may disturb the peace and quiet of residential neighbors is prohibited.

(2) The making, creating or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual is prohibited.

---

[1]Municipal code references
Animals and fowls: title 10.
Fireworks and explosives: title 7.
Property maintenance regulations: title 13.
Residential and utilities: title 12.
Traffic offenses: title 15.
Streets and sidewalks (non-traffic): title 16.

(3) To assist in applying uniform standards for the enforcement of noise problems within the town, the following standards shall apply:

(a) Within all residential zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, between designated hours is in excess of:

(i) 7:00 A.M. to 9:00 P.M.:

(A) Continuous airborne sound which has a sound level of sixty (60) dbAs.

(B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.

(ii) 9:00 P.M. to 7:00 A.M.:

(A) Continuous airborne sound which has a sound level of fifty (50) dbAs.

(B) Impulsive sound in air with an impulsive sound level of seventy (70) dbAs.

(b) Within all commercial zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, between designated hours is in excess of:

(i) 7:00 A.M. to 9:00 P.M.:

(A) Continuous airborne sound which has a sound level of sixty-five (65) dbAs.

(B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.

(ii) 9:00 P.M. to 7:00 A.M.:

(A) Continuous airborne sound which has a sound level of fifty-five (55) dbAs.

(B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.

11-103. <u>Declared unnecessary noises enumerated</u>. The following acts, among others, are declared to be loud or disturbing or unnecessary noises in violation of this chapter even if the noises referred to do not violate the standard noise level for the town.

(1) <u>Horns, signal devices and the like</u>. (a) The sounding of any horn or signal device of any automobile, motorcycle, bus or other vehicle:

(i) While not in motion or unless minimal by use of a key fob, except as a danger signal that another vehicle is approaching apparently dangerously; or

(ii) If in motion:

(A) After or as brakes are being applied and deceleration of the vehicle is intended;

(B) Before passing another vehicle as a signal of intent to so pass;

(C) Where state motor vehicle statutes require the sounding of such a horn or signaling device; or

(D) When otherwise necessary as a danger signal.

(b) Wherever the sounding of any horn or signal device is permitted or required such sound shall not be unreasonably loud or harsh and shall not be for an unreasonable duration of time.

(2) Animals and birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the comfort and repose of any person in their vicinity.

(3) Defect in vehicle or noisy load. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle engine except through a muffler or other device which meets the standards established for such devices by applicable state laws and regulations.

(5) Mechanical devices. The use of mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced to the extent required by state laws and regulations.

(6) Schools, courts, and churches. The creation of any loud or excessive noise on any street adjacent to any school or institution of learning, church or judicial court while the same are in session, which noise unreasonably interferes with the workings of such institutions; this restriction shall be in force only if signs are displayed in such streets indicating the same is a school, church, or court street or quiet zone.

(7) Loading or unloading of vehicles; opening or destruction of boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and containers. Commercial refuse collection is prohibited between the hours of 10:00 P.M. and 7:00 A.M.

(8) Devices attached to buildings. The sounding of any bell, gong or device attached to any building or premises, particularly during the hours between 10:00 P.M. and 7:00 A.M., which disturbs the quiet or repose of any persons in the vicinity of the devices. This rule shall not apply if the bell, gong or device is a sounded as a warning of danger.

(9) Vehicles and buses. The unnecessary or prolonged blowing or sounding of any horn, whistle, bell or other device attached to any motor vehicle, bus or truck while passing through the town or while loading passengers or freight within the town.

(10) Loudspeakers and amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other commercial purposes.

(11) Construction or repair of buildings. Construction, demolition, repair, paving or alteration of buildings or streets or excavation when conducted

between the hours of 7:00 P.M. and 7:00 A.M. (8:00 A.M. on Saturdays and Sundays), except in emergencies. Property owners making repairs and/or alterations on their own property of residence may work until 9:00 P.M.

11-104. Non-vehicular noises restricted. No person shall use or operate any facility, machine or instrument or produce or cause to be produced any sound in the town, when the same shall produce noise, the sound-pressure level of which, measured at the point of annoyance complained of, shall exceed the standard noise level of the town established for that location and time of day. In measuring noises to determine if the standard noise level of the town has been exceeded, the measurement shall be measured on the A-weighting of an accurate sound-level meter. The background or ambient sound level is defined as the sound present when the offending noise source is silenced.

11-105. Vehicular noise regulations. (1) No person shall operate, within the limits of the town, any vehicle which will emit noise which will exceed the standard noise level of the town established for the type vehicle when used under ordinary circumstances. For vehicles, the standard noise level of the town is hereby established as follows:

Type of vehicle	Maximum noise level (dbAs)
Vehicle other than motorcycles	76
Motorcycles	82

(2) Measurements shall be taken fifty feet (50') from the source.

11-106. Excessive noise from motor vehicles. (1) No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway within the town, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loudspeaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. For the purpose of this section "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include bass reverberation.

(2) This section shall not be applicable to emergency or public safety vehicles, vehicles owned or operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, or any motor vehicle used in an authorized public activity, such as a parade.

11-107. Exemptions. Exemptions from noise level limits shall be as follows:

(1) Emergency construction, repair, pavings demolition, or alteration of a street or building. Permission of the town administrator shall be proof that such emergency exists.

(2) Emergency activities of municipal, county, state, or federal government agencies and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare are involved.

(3) Warning devices on authorized emergency vehicles and on vehicles used for traffic safety purposes.

(4) Attendant on-site noise connected with the actual performance of sporting events, parades, auctions, fairs and festivals.

(5) Power lawn mowers and other lawn care equipment, when operated between the hours of 8:00 A.M. (9:00 A.M. on Saturdays and Sundays) and 9:00 P.M.

(6) Air conditioners that increase the background or ambient sound level no more than five (5) dbAs.

CHAPTER 2

OFFENSES AGAINST TOWN PROPERTY

SECTION

11-201. Prohibited uses on town property.

11-201. Prohibited uses on town property. The following uses are hereby prohibited in Laurel Lake:

(1) Swimming;
(2) Gas powered motor boats;
(3) Trot lines for fishing.
(4) Camping;
(5) Fires;
(6) ATVs;
(7) Golf carts.

(1989 Code, § 11-802, modified)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER
1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. RESIDENTIAL CODE.
5. ENERGY CONSERVATION CODE.
6. MECHANICAL CODE.
7. PROPERTY MAINTENANCE CODE.

CHAPTER 1

BUILDING CODE[1]

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

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 International Building Code,[2] 2009 edition, including and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the building code. (Ord. #01-11, Feb. 2011)

---

[1]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.

[2]Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-102. Modifications. The following sections are hereby revised to read as follows: Definitions. Whenever the words "Building Official" are used in the building code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the building code.

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

12-104. Violation and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

PLUMBING CODE[1]

SECTION

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

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 city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code[2], 2009 edition, including and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the plumbing code. (Ord. #01-11, Feb. 2011)

12-202. Modifications. The following sections are hereby revised to read as follows: Definitions. Whenever the words "Building Official" are used in the plumbing code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the plumbing code.

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 been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-204. Violation and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein

---

[1]Municipal code references
Cross-connections: title 18.
Street excavations: title 16.
Wastewater treatment: title 18.
Water and sewer system administration: title 18.

[2]Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

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

CHAPTER 3

ELECTRICAL CODE[1]

SECTION

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

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, 2008 edition,[2] 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.

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.

12-303. Permit required for doing electrical work. No electrical work shall be done within this town until a permit therefor has been issued by the town. 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.

12-304. Enforcement. The electrical inspector shall be such person as the mayor 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

---

[1]Municipal code references
Fire protection, fireworks and explosives: title 7.

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

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.

12-305. Violation and penalty. 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. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 4

RESIDENTIAL CODE[1]

SECTION

12-401. Residential code adopted.
12-402. Modifications.
12-403. Available in recorder's office.
12-404. Violation and penalty.

12-401. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the International Residential Code, 2009 edition, is and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the residential code. (Ord. #01-11, Feb. 2011)

12-402. Modifications. The following sections are hereby revised to read as follows:

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

(2) "Dwelling unit fire sprinkler systems." section P2904 is hereby deleted. (Ord. #01-11, Feb. 2011)

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public.

12-404. Violation and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code.. Each day a violation is allowed to continue shall constitute a separate offense.

---

[1]Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 5

ENERGY CONSERVATION CODE[1]

SECTION

12-501. Energy code adopted.
12-502. Modifications.
12-503. Available in recorder's office.
12-504. Violation and penalty.

12-501. 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 International Energy Conservation Code,[2] 2009 edition, and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and are hereinafter referred to as the energy code. (Ord. #01-11, Feb. 2011)

12-502. Modifications. The following sections are hereby revised to read as follows: "Building Official." Whenever in the energy code these words are used, they shall refer to the person designated by the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

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

12-504. Violation and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the energy code as herein adopted

---

[1]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.

[2]Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

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

CHAPTER 6

MECHANICAL CODE[1]

SECTION

12-601. Mechanical code adopted.
12-602. Modifications.
12-603. Available in recorder's office.
12-604. Violation and penalty.

12-601. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the International Mechanical Code,[2] 2009 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim and is hereinafter referred to as the mechanical code. (Ord. #01-11, Feb. 2011)

12-602. Modifications. The following sections are hereby revised to read as follows: Definitions. Whenever the words "Building Official" are used in the mechanical code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the mechanical code.

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public.

12-604. Violation and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted. The violation of any section of this chapter shall be punishable by a

---

[1]Municipal code references
Street excavations: title 16.
Wastewater treatment: title 18.
Water and sewer system administration: title 18.

[2]Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

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

CHAPTER 7

PROPERTY MAINTENANCE CODE

SECTION

12-701. Property maintenance code adopted.
12-702. Modifications.
12-703. Available in recorder's office.
12-704. Violation and penalty.

12-701. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code, 2009 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the property maintenance code. (Ord. #01-11, Feb. 2011)

12-702. Modifications. The following sections are hereby revised to read as follows: Definitions. Whenever the words "Building Official" are used in the property maintenance code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the property maintenance code.

12-703. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-704. Violation and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER

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

CHAPTER 1

MISCELLANEOUS[1]

SECTION

13-101. Smoke, soot, cinders, etc.
13-102. Stagnant water.
13-103. Weeds.
13-104. Dead animals.
13-105. Health and sanitation nuisances.
13-106. Burning of household paper, trash and yard debris.
13-107. Rubbish and trash removal.
13-108. Abandoned, junked, wrecked and/or disabled vehicles.
13-109. Filling, cutting or grading prohibited without permit.

13-101. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1989 Code, § 13-101)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1989 Code, § 13-102)

13-103. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property,

---

[1]Municipal code references
Animals and fowls: title 10.
Littering streets, etc.: § 16-107.
Mobile homes: title 14, chapter 2.
Wastewater treatment: title 18, chapter 2.

and it shall be unlawful for any person to fail to comply with an order by the town recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1989 Code, § 13-103)

13-104. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the town recorder and dispose of such animal in such manner as the town recorder shall direct. (1989 Code, § 13-104)

13-105. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1989 Code, § 13-105)

13-106. Burning of household paper, trash and yard debris.

(1) Burning of all objects other than household paper, trash and yard debris, which shall be limited to wood and leaves, shall be prohibited.

(2) All residents wishing to burn items provided for under this section shall be required to notify town hall at least one (1) hour prior to said burning.

(3) This section shall take effect upon passage, the public welfare requiring it. (Ord. #90-06, Oct. 1990, modified)

13-107. Rubbish and trash removal. (1) Every owner and/or tenant of property shall keep trash and rubbish such as cans, bottles, other trash and rubbish, standing walls and/or chimneys or other remains of burned out structures removed and cleaned from the premises so that the same will not constitute a hazard to health and safety.

(2) Whenever grass, weeds, or other materials accumulate on any lot in the Town of Monteagle to the extent that it is determined by the board of mayor and aldermen to constitute a fire or health hazard, and if, after ten (10) days notice for household trash, bagged or untagged, or thirty (30) days notice for other materials or weeds, the owner, tenant, or other responsible party fails to clean up said lot, the town may, at their option, cut and remove such grass, weeds, trash, or other materials from said lot and charge the cost of removing the same to the owner or tenant of such lot or other responsible party.

(3) It shall be and is unlawful for any person to place or throw any kind of trash, garbage, paper, cans, bottles, or other litter upon any private property, right-of-way, street, or alley within the town limits of the Town of Monteagle.

(4) Each day a violation continues and each occurrence of a violation shall be considered a separate violation for the purposes of this section.

(5) Should any part of this section be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue in full force and effect. (Ord. #93-01, Aug. 1992, modified)

13-108. Abandoned, junked, wrecked and/or disabled vehicles.

(1) Any and all disabled, dismantled, ruined, scrapped, wrecked, or inoperable vehicles, used auto parts, automotive motors, or any and all other automotive parts are prohibited from open view or display unless in compliance with Tennessee Code Annotated, § 54-20-101, et seq. (Junkyard Control Act); and

(2) The description in the previous subsection (1) shall apply to all vehicles whether automobiles, trucks, tractor/trailers, or any other vehicle; and

(3) A seven (7) day grace period for removal of such vehicles shall be given to those who are in violation of this section; and

(4) A violation of this section shall result in a fine of fifty dollars ($50.00) for each offense. Each day of violation and each vehicle shall constitute a separate offense; and

(5) An abandoned, junked, wrecked, or disabled vehicle is hereby defined as one that has been wrecked and/or is not drivable and/or has no current license plate. (Ord. #99-09, Dec. 1999)

13-109. Filling, cutting or grading prohibited without permit.

(1) No property within the town limits of the Town of Monteagle may be filled, cut, or graded without obtaining a permit with the exception of planting gardens, trees, shrubs, and/or flowers; and

(2) Prior to commencement of any filling, cutting, or grading of any commercial property, except as noted above, within the town limits of the Town of Monteagle, the owner or developer of the property or his/her agent shall ask to be placed on the agenda of the planning commission meeting at least one (1) week prior to said meeting, and if approved, shall pay a one hundred dollar ($100.00) permit fee; and

(3) The owner or developer or his/her agent shall present a complete written plan to the planning commission for all work proposed to be done on the land; and

(4) Prior to commencement of any filling, cutting, or grading of any residential property, except as noted above, within the town limits of the Town of Monteagle, the owner of the property or his/her agent shall request approval from the building inspector, and if approved, may commence immediately at no fee. (Ord. #04-11, April 2004)

CHAPTER 2

SLUM CLEARANCE[1]

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 salvaged 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 order.
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 insanitary, 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. (1989 Code, § 13-201)

13-202. Definitions. (1) "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

(2) "Municipality" shall mean the Town of Monteagle, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

---

[1]State law reference
Tennessee Code Annotated, title 13, chapter 21.
Municipal code reference
Unsafe buildings: title 12, chapter 8.

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

(5) "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.

(6) "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.

(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. (1989 Code, § 13-202)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the board of mayor and aldermen of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the board of mayor and aldermen. (1989 Code, § 13-203)

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 service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (1989 Code, § 13-204)

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. (1989 Code, § 13-205)

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." (1989 Code, § 13-206)

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. (1989 Code, § 13-207)

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 Grundy 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 Monteagle 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. (1989 Code, § 13-208)

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 Monteagle; 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 uncleanliness. (1989 Code, § 13-209)

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 posed 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 Grundy County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1989 Code, § 13-210)

13-211. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (1989 Code, § 13-211)

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

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

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

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1989 Code, § 13-212)

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. (1989 Code, § 13-213)

CHAPTER 3

JUNKYARDS

SECTION

13-301. Junkyards.

13-301. Junkyards.[1] All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1989 Code, § 13-301)

---

[1]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. MOBILE HOMES (TRAILERS).
4. LANDSCAPE ORDINANCE.
5. FLOOD DAMAGE PREVENTION ORDINANCE.
6. SIGN REGULATIONS.

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. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (1989 Code, § 14-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1989 Code, § 14-102)

14-103. Additional powers.[1] 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. (1989 Code, § 14-103)

[1]To make this section effective the municipality should request the State Planning Office, under authority granted by Tennessee Code Annotated, § 13-3-102 to designate the municipal planning commission as a regional planning commission.

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 Monteagle shall be governed by Ordinance Number 55, titled "Zoning Ordinance, Monteagle, Tennessee," and any amendments thereto.[1] (1989 Code, § 14-201)

[1]Ordinance No. 55, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder and are saved from repeal by the adopting ordinance of this code of ordinances.

CHAPTER 3

MOBILE HOMES (TRAILERS)

SECTION

14-301. Definitions.
14-302. Location of mobile homes.
14-303. Previous mobile homes "grandfathered."
14-304. State tax sticker required.
14-305. Permit for mobile home park.
14-306. Inspections by town building inspector.
14-307. Location and planning.
14-308. Minimum size of mobile home park.
14-309. Minimum number of spaces.
14-310. Minimum mobile home space and spacing of mobile homes.
14-311. Water supply.
14-312. Sewage disposal.
14-313. Refuse.
14-314. Electricity.
14-315. Streets.
14-316. Parking spaces.
14-317. Buffer strip.
14-318. License for mobile home parks.
14-319. License for individual mobile homes.
14-320. License fees for mobile home parks.
14-321. License fees for individual mobile homes.
14-322. Application for license.
14-323. Enforcement.
14-324. Board of appeals.
14-325. Appeals from board of appeals.
14-326. Violation and penalty.

14-301. Definitions. (1) "Health officer." The director of a town, county or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative.

(2) "Mobile home" a detached single family dwelling unit with any or all of the following characteristics:

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

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

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

(3) "Mobile home park (trailer court)." The term home park shall mean any plot of ground within the Town of Monteagle on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located.

(4) "Mobile home space." The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(5) "Permit license." The permit required for trailer parks and single mobile homes. Fees charged under the license requirement are for inspection and the administration of this chapter. (1989 Code, § 14-301)

14-302. Location of mobile homes. It shall be unlawful for any mobile home to be used, stored, or placed on any lot or serviced by the utilities of said town where said mobile home is outside of any designated and licensed mobile home park after June 28, 1980. (1989 Code, § 14-302)

14-303. Previous mobile homes "grandfathered." The owner or occupant of any mobile home already placed on a lot on or before June 28, 1980 will be permitted to reside at the present location. However, if at any time the ownership or occupancy of either the lot or mobile home shall change or if said mobile home is moved from its present location, said mobile home owner shall be given a period not to exceed thirty (30) days in which to remove said mobile home and to comply with all provisions of this chapter. (1989 Code, § 14-303)

14-304. State tax sticker required. No mobile home shall be used, placed, stored or serviced by utilities within any mobile home park in said town unless there is posted near the door of said mobile home a valid Tennessee State Tax Sticker. (1989 Code, § 14-304)

14-305. Permit for mobile home park. No place or site within said town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the town builder inspector in the names of such person or persons for the specific mobile home park. The town building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter. (1989 Code, § 14-305)

14-306. Inspections by town building inspector. The town building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The town building inspector shall have the power to enter at

reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. (1989 Code, § 14-306)

14-307. Location and planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the town planning commission and town building inspector. The town planning commission and building inspector may promulgate regulations for mobile home park location and plan approval, which shall provide for adequate space, lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for other convenience and welfare of the mobile home park occupants. (1989 Code, § 14-307)

14-308. Minimum size of mobile home park. The tract of land for the mobile home park shall comprise an area of not less than two (2) acres. The tract of land shall consist of a single plat so dimensioned and related as to facilitate efficient design and management. (1989 Code, § 14-308)

14-309. Minimum number of spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is ten (10). (1989 Code, § 14-309)

14-310. Minimum mobile home space and spacing of mobile homes. Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen feet (15') of open space between mobile homes or any attachment such as a garage or porch[1], and at least ten feet (10') end to end spacing between trailers and any building or structure, twenty feet (20') between any trailer and property line and twenty-five feet (25') from the right-of-way of any public street or highway.

The individual plot sizes for mobile home spaces shall be determined as follows:

(1) Minimum lot area of two thousand four hundred (2,400) square feet;

(2) Minimum depth with end parking of an automobile shall be equal to the length of the mobile home plus thirty feet (30');

---

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

(3) Minimum depth with side or street parking shall be equal to the length of mobile home plus fifteen feet (15'); and

(4) In no case shall the minimum width be less than forty (40) feet and the minimum depth less than sixty (60) feet. (1989 Code, § 14-310)

14-311. Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the county health officer. In those instances where an independent system is approved, the water shall be from a supply properly located, protected, and operated, and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before the initial approval of the physical structure and thereafter at least every four (4) months and when any repair or alteration of the water supply system has been made. If a positive sample is obtained, it will be the responsibility of the trailer court operator to provide such treatment as is deemed necessary to maintain a safe, potable water supply. Water shall be furnished at the minimum rate of one-hundred twenty-five (125) gallons per day per mobile home space. An additional water service connection shall be provided for each mobile home space, with meter for each individual trailer. (1989 Code, § 14-311)

14-312. Sewage disposal. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four inch (4") sewer connection. All sewer lines shall be laid in trenches separated at least ten feet (10') horizontally from any drinking water supply line.

Every effort should be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and sub-surface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available. The minimum size of any septic tank to be installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home a such single tank, a minimum additional liquid capacity of one hundred seventy-five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one (1) single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity.

The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and shall be determined only on the basis of the percolation rate of the soil. The percolation rate should be determined as outlined in Appendix A of the Tennessee Department of Public Health Bulletin, entitled "Recommended Construction of Large Septic Tank Disposal Systems for Schools, Factories and Institutions". (This bulletin is

available on request from the Department.) No mobile home shall be placed over a soil absorption field.

In lieu of a public sewerage or septic tank system, an officially approved package treatment plant may be used. (1989 Code, § 14-312)

14-313. Refuse. The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week. (1989 Code, § 14-313)

14-314. Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the electrical code and revised Tennessee Department of Insurance and Banking Regulations, entitled "Regulations Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization. ((1989 Code, § 14-314)

14-315. Streets. Widths of various streets within mobile home parks shall be:

One-way, with no on-street parking . . . . . 11 ft.
One-way, with parallel parking on one side only . . . . . 18 ft.
One-way, with parallel parking on both side . . . . . 26 ft.
Two-way, with no on-street parking . . . . . 20 ft.
Two-way, with parallel parking on one side only . . . . . 28 ft.
Two-way, with parallel parking on both sides . . . . . 36 ft.

Streets shall have a compacted gravel base and a prime seal treatment to meet requirement of the Tennessee State Highway Department. (1989 Code, § 14-315)

14-316. Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one (1) car space for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for two (2) car tenants and for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home space. Where practical, one (1) car space shall be located on each lot and the remainder located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten feet (10') and a length of not less than twenty feet (20'). The parking spaces shall be located so access can be gained only from internal streets of the mobile home park. (1989 Code, § 14-316)

14-317. Buffer strip. An evergreen buffer strip shall be planted along those boundaries of the mobile home court that are adjacent development. (1989 Code, § 14-317)

14-318. License for mobile home parks. It shall be unlawful for any person or persons to maintain or operate within the corporate limits of said town, a mobile home park unless such person or persons shall first obtain a license therefor. (1989 Code, § 14-318)

14-319. License for individual mobile homes. It shall be unlawful for any person to maintain an individual mobile home as a dwelling unless a license has been obtained therefor. It shall be the responsibility of the owner of the mobile home to secure the license. (1989 Code, § 14-319)

14-320. License fees for mobile home parks. The annual license fee for mobile home parks shall be twenty-five dollars ($25.00). (1989 Code, § 14-320)

14-321. License fees for individual mobile homes. The annual license fee for each mobile home shall be five dollars ($5.00). The fee for transfer of the license because of change of ownership or occupancy shall be five dollars ($5.00). (1989 Code, § 14-321)

14-322. Application for license. (1) Mobile home parks. Application for a mobile home park shall be filed with and issued by the town building Inspector subject to the planning commission's approval of the mobile home park plan. Application shall be in writing and signed by the applicant and shall be accompanied with a plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

(a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred feet to one inch (100' to 1");

(b) Name and address of owner of record;

(c) Proposed name of park;

(d) North point and graphic scale and date;

(e) Vicinity map showing location and acreage of mobile home park;

(f) Exact boundary lines of the tract by bearing and distance;

(g) Names of owners of record of adjoining land;

(h) Existing streets, utilities, easements, and water courses on and adjacent to the tract;

(i) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;

(j) Provisions for water supply, sewerage and drainage;

(k) Such information as may be required by said town to enable it to determine if the proposed park will comply with legal requirements; and

(l) The applications and all accompanying plans and specifications shall be filed in triplicate.

(2) Individual mobile homes. Application for individual mobile home licenses shall be filed with and issued by the town building inspector. Applications shall be in writing and signed by the applicant. The application shall contain the following:

(a) The name of the applicant and all people who are to reside in the mobile home;

(b) The location and description of the mobile home, make, model, and year;

(c) The state license number;

(d) Further information as may be required by said town to enable it to determine if the mobile home and site will comply with legal requirements; and

(e) The application shall be filed in triplicate.

(1989 Code, § 14-322)

14-323. Enforcement. It shall be the duty of the county health officer and town building inspector to enforce provisions of this chapter. (1989 Code, § 14-323)

14-324. Board of appeals. The Monteagle Municipal-Regional Planning Commission shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter, may appeal for and receive a hearing by Monteagle Municipal-Regional Planning Commission for an interpretation of pertinent chapter provisions. In exercising this power of interpretation of this chapter, the Monteagle Municipal-Regional Planning Commission may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building inspector. (1989 Code, § 14-324)

14-325. Appeals from board of appeals. Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the Monteagle Municipal-Regional Planning Commission may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee. (1989 Code, § 14-325)

14-326. Violation and penalty. Any person or corporation who violates the provisions of the chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the town building inspector or county health officer after receipt of thirty (30) days written notice of such requirements, shall be punished in accordance with the general penalty provisions of this code. (1989 Code, § 14-326)

CHAPTER 4

LANDSCAPE ORDINANCE

SECTION

14-401. Purpose and intent.
14-402. Applicability and exemptions.
14-403. Landscape/plant installation plan submittal.
14-404. Hardships.
14-405. Conflicts with other sections in the zoning ordinance and existing zoning conditions.
14-406. Street yard requirements.
14-407. Parking lot requirements.
14-408. Screening requirements.
14-409. Stormwater credits.
14-410. Plant installation specifications.
14-411. Utility easement policy.
14-412. Maintenance.
14-413. Certificate of occupancy/bonding.
14-414. Appeals.
14-415. Definitions.

14-401. Purpose and intent. Monteagle's scenic landscapes are closely tied to the community's quality of life, community identity, and civic pride. These landscapes also form the critical first impressions of potential new employers, homeowners, and tourists, thus affecting Monteagle's economy.

Landscaping provides important environmental benefits such as reducing air pollution and stormwater runoff, improving water quality, and creating wildlife habitats. Landscaping requirements are one of the many tools used for protecting and enhancing a community's scenic quality.

The purpose and intent of this chapter are the following:

(1) To promote the scenic quality of the community by providing landscaping requirements.

(2) To ensure that the local stock of native trees and vegetation is replenished.

(3) To improve the appearance of parking areas and property.

(4) To protect and enhance property values.

(5) To reduce stormwater runoff and improve water quality; as well as help with soil erosion.

(6) To provide transition between incompatible land uses.

(7) To provide relief from traffic, noise, heat, glare from property lighting and motor vehicles, dust, and debris.

(8) To reduce the level of carbon dioxide in the atmosphere.

(9) To reserve and protect the unique identity and environment of the Town of Monteagle. (Ord. #09-25, May 2009)

14-402. Applicability and exemptions. (1) Except as otherwise provided below, this chapter shall apply to all land located in the town. These requirements shall remain and continue with any and all subsequent owners.

(2) New developments and vehicular use areas which are part of a common development, which includes more than one (1) lot, shall be treated as one (1) lot for the purposes of satisfying these landscape regulations. Split ownership, planning in phases, construction in stages, and/or multiple building permits for a project, shall not prevent it from being a common development as referred to above. Each phase of a phased project shall comply with these requirements.

(3) Any refuse receptacle (dumpster) located within any public right-of-way at the time of the adoption of this ordinance shall be removed within a period of three (3) months from said adoption of this ordinance.

(4) Any refuse receptacle (dumpster) in existence at the time of the adoption of this ordinance which violates or does not conform to the provisions hereof, shall conform to the provisions within a period of six (6) months from said adoption of this ordinance.

(5) For existing developments and parking facilities, expansion in Gross Floor Area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below. Landscaping requirements shall not prevent an existing manufacturing facility from expanding. Where both building expansion and parking lot expansion requirements are applicable, the building expansion requirements shall supersede.

(a) Building expansions. (i) When an expansion increases GFA at least ten percent (10%) but no more than twenty-five percent (25%), then:

(A) The entire property shall comply with the street yard requirements or parking lot requirements (option of applicant).

(ii) When an expansion increases GFA more than twenty-five percent (25%), but no more than fifty percent (50%):

(A) The entire property shall comply with the street yard requirements.

(B) Fifty percent (50%) of the existing parking lot and all of any expanded parking lot portions shall comply with the parking lot landscaping requirements.

(C) The entire property shall comply with all of the screening requirements.

(iii) When an expansion increases GFA more than fifty percent (50%); then:

(A) All of the landscape ordinance requirements must be met.

(b) Parking lot expansions:

(i) When an expansion of at least ten (10) spaces increases the total number of parking spaces by no more than twenty-five percent (25%); then:

(A) The expanded portion of the parking lot shall comply with the landscaping requirements.

(ii) When a expansion of at least ten (10) spaces increases the total number of parking spaces more than twenty-five percent (25%), but no more than fifty percent (50%); then:

(A) Fifty percent (50%) of the existing parking lot(s) within the property and all of any expanding parking lot portions shall comply with the parking lot landscaping requirements.

(iii) When an expansion of at least ten (10) spaces increases the total number of parking spaces more than fifty percent (50%); then:

(A) The expanded and existing parking lot(s) within the property shall comply with the parking lot landscaping requirements.

(c) Exemptions. (i) One-family detached and two-family residential dwellings are exempt from landscaping requirements. (Ord. #09-25, May 2009)

14-403. <u>Landscape/plant installation plan submittal</u>. Proposed developments subject to the provisions of this section and prior to receiving a building permit and certificate of occupancy must submit a landscape/plant installation plan to town hall for approval by the Monteagle Regional Planning and Zoning Commission. This landscape/plant installation plan may be incorporated into a site plan. The following elements shall be shown on the Landscape/Plant Installation Plan:

(1) Zoning of site and adjoining properties;

(2) Boundary lines and lot dimensions;

(3) Date, graphic scale, north arrow, title and name of owner, and the phone number of the person or firm responsible for the landscape plan;

(4) Location of all proposed structures and storage areas;

(5) Drainage features and 100-year floodplain, if applicable;

(6) Parking lot layout including parking stalls, bays, and driving lanes;

(7) Existing and proposed utility lines, and easements;

(8) All paved surfaces and curbs;

(9) Existing trees or natural areas to be retained; and

(10) Location of all required landscaping areas (street yard, landscaped peninsulas, landscaped islands, and screening buffers);

(11) Location, installation size, quantity, and common names of landscaping to be installed; and

(12) The spacing between trees and shrubs used for screening. (Ord. #09-25, May 2009)

14-404. Hardships. (1) Intent. This section does not intend to create undue hardship on affected properties. The required landscaping should not exceed fifteen percent (15%) of the total lot area. For existing developments, where the GFA or parking areas are being increased, and the loss of off-street parking spaces (required by zoning ordinance) as a result of compliance with the landscaping provisions should not exceed ten percent (10%).

(2) Special administrative remedies. (a) Lots with a depth of one hundred fifty feet (150') or less, or an area of fifteen thousand (15,000) square feet or less have the following special exceptions:

(i) An automatic fifty percent (50%) reduction in landscape and yard depth requirements for screening street yard, and parking lot landscaping sections.

(ii) A twenty-five percent (25%) reduction in planting requirements for all sections except for the required evergreen plantings for screening.

(b) Lots which front on more than one (1) street have the following special exception:

(i) All street frontages other than the primary street frontage may have a street yard with a minimum depth of four feet (4').

(c) In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than ten percent (10%) of the gross required off-street parking for an existing development; or a loss greater than fifteen percent (15%) of the lot area for development, the following administrative remedies may be applied:

(i) Reduce the required minimum landscaped area widths up to fifty percent (50%).

(ii) Reduce the tree planting requirements by up to twenty-five percent (25%).

(3) Administrative guidelines. (a) Where possible, reduction of landscaping requirements in one (1) area should offset by an increase of landscaping requirements in other portions of the site.

(b) The first priority is to provide trees along the street frontage.

(c) A screen should always be provided if it is required by this section. Where there are space limitations, reduce the landscape yard as necessary. If the planting area is less than five feet (5') in width, require a maximum of six feet (6') tall wood or composite fence or masonry wall, adjoining any commercial property. If commercial/industrial adjoining

residential a minimum of ten feet (10') tall fence required. (Ord. #09-25, May 2009)

14-405. Conflicts with other sections in the zoning ordinance and existing zoning conditions. Where any requirement of this section conflicts with the requirement of another section or existing zoning conditions in the zoning ordinance, the most restrictive requirement shall apply. (Ord. #09-25, May 2009)

14-406. Street yard requirements. (1) Intent. The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

(2) Dimensions. (a) Except for point of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys are exempt from this requirement.

(b) The street yard shall have a minimum depth of eight feet (8') as measured from the edge of the public right-of-way towards the interior of the property. The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area.

(3) Plantings. (a) Trees shall be planted within the street yard at a minimum ratio of one (1) tree per thirty-five (35) linear feet of the right-of-way frontage. Trees do not have to be evenly spaced in thirty-five feet (35') increments. Fractions of trees shall be rounded up to the nearest whole number.

(b) The minimum spacing between trees is fifteen feet (15') measured trunk to trunk. The maximum spacing is fifty feet (50') measured trunk to trunk.

(c) The trees referred to in this section shall have a minimum expected maturity height of at least twenty-five feet (25') and a minimum canopy spread of ten feet (10') (see plant installation specifications section).

(4) Existing woodlands. (a) Existing woodlands the street right-of-way frontage can be substituted for the street yard requirements subject to the following:

(i) Existing woodlands to be set aside shall have a minimum depth of twenty-five feet (25') as measured from the public street right-of-way.

(ii) Number of woodland trees (not including prohibited trees) having a minimum caliper of six inches (6") shall equal or exceed the minimum street tree planting ratio of one (1) tree per thirty-five (35) linear feet.

(iii) No impervious services are permitted within the street yard area except for approved access points to the site and/or sidewalks.

(5) Exemptions/special situations. (a) Properties adjoining rights-of-way that encroach into established parking areas more than twenty feet (20') have the following street yard options.

(i) Plant street trees within the right-of-way provided written permission is obtained from the owner of the public right-of-way.

(ii) If permission cannot be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated somewhere within the site in an area highly visible from the street. These trees cannot be used to meet requirements in other sections.

(iii) Existing street trees planted within the right-of-way (not including the center median or opposite side of the street).

(iv) Where overhead power lines encroach into the street yard, smaller trees can be substituted for larger trees.

(v) Stormwater facilities may be located within the street yard subject to the following conditions:

(A) No riprap, crushed stone, or other impervious materials are exposed with the exception of mountain stone.

(B) Trees and other living organic materials can be planted along the stormwater facility.

(vi) With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements. (Ord. #09-25, May 2009)

14-407. Parking lot requirements. (1) Intent. The intent of this section is to break up the expense of asphalt to provide shade, and to reduce the glare from parked cars and loading docks.

(2) Design criteria. (a) No parking space can be more than sixty feet (60') from a tree.

(b) Ends of all interior parking bays that contain a minimum of ten (10) contiguous parking spaces shall be bordered on both sides by a landscape island.

(c) Ends of all perimeter parking bays shall be bordered by a landscaped peninsula.

(3) Dimensions/planting criteria. (a) Landscaped islands and peninsulas used to meet the landscaping requirements shall have a minimum of eight feet (8') and a minimum landscaped area of two hundred (200) square feet.

(b) Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one (1) tree.

(c) All landscaped islands and peninsulas shall be bordered by a curb. (Ord. #09-25, May 2009)

14-408. Screening requirements. (1) Intent. To provide a transition between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.

(2) Procedure. Refer to the matrix below to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of the matrix) and each adjoining property (along the top of the matrix). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided on the next page.

Existing	Industrial	Commercial	University	High-Density Residential	Low-Density Residential
Industrial	≠	B	A	A	A
Commercial	≠	C	B	B	B
University	A	B	C	B	B
Residential High Density	A	B	B	≠	B

≠ No screen or buffer required

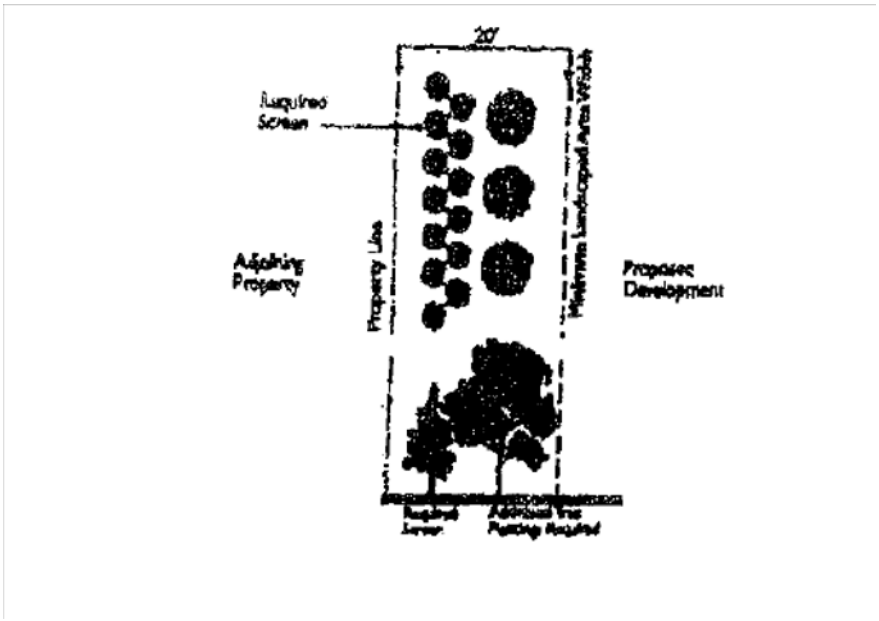
ZONING DISTRICTS	
Industrial	I-1
Commercial	C-1, C-2, C-3
School/Church	
Residential High-Density	R-1-H, and R-3
Residential Low-Density	R-1-L, and R-2

(3) Screening types. (a) Type A--twenty feet (20') deep landscape yard planted with:

(i) Evergreen trees spaced a maximum of ten feet (10') on-center or two (2) staggered rows (spaced a maximum of seven feet (7') apart) of shrubs spaced a maximum of eight feet (8') on-center; and

(ii) One (1) row of Class 1 shade trees spaced a maximum of thirty-five feet (35') on-center;

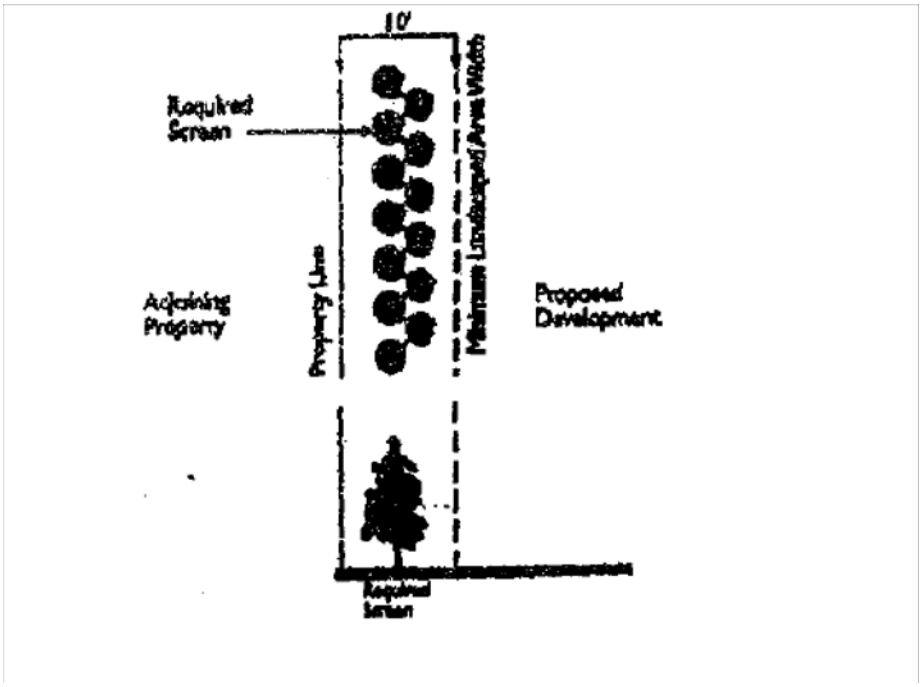
(iii) All planting shall meet the installation and planting size requirements specified in the plant installation specifications section.



(b) Type B--Ten feet (10') deep landscape yard planted with:

(i) Evergreen trees spaced a maximum of ten feet (10') on-center or two (2) staggered rows (spaced a maximum of seven feet (7') apart) of shrubs spaced a maximum of eight feet (8') on-center; and

(ii) All planting shall meet the installation and planting size requirements specified in the plant installation specifications section.



(c) Type C--Five feet (5') deep landscape buffer between commercial and commercial:

(i) The buffer should consist of screening shrubs no more than five feet (5') apart; or

(ii) Class 2 shade trees that are no less than forty feet (40') apart; or

(iii) Screening trees that are no less than fifteen feet (15') apart.

(iv) All planting shall meet the installation and planting size requirements specified in the plant installation specifications section.

(d) Type D--Screening of dumpsters--screened in the manner described below:

(i) Screening shall be a minimum height of six feet (6').

(ii) All four (4) sides of the dumpster shall be screened.

(iii) The screen should incorporate access to the dumpster by using a wood fence.

(iv) Screening materials must be any combination of evergreen plantings, wood, composite or masonry material.

(e) Type E--Stormwater facilities--located in the landscaped yard subject to the following conditions:

(i) No riprap, crushed stone, concrete or other impervious materials are exposed, except mountain stone.

(ii) Trees and other living organic materials can be planted along the stormwater facility. (Ord. #09-25, May 2009)

14-409. Stormwater credits. Reserved for Future Use

14-410. Plant installation specifications. (1) Intent. All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures of landscape industry. Planting methods and the season of planting will optimize chances for long-term plant survival and continued vigor.

(2) Class 1 shade trees. These trees are intended to be used to meet the tree planting requirements specified in the street yard and parking lot sections. All Class 1 shade trees shall be installed at a minimum caliper of two inches (2") as measured from two and one-half feet (2 1/2') above grade level. Class 1 shade trees shall also have a minimum excepted maturity height of at least thirty-five feet (35') and a minimum canopy spread of twenty feet (20'). Evergreen trees can be treated as Class 1 shade trees provided they meet the minimum maturity height and canopy spread criteria.

Common Names

Southern Sugar Maple	Sugar Maple
River Birch	European Hornbeam
American Hornbeam	Katsura Tree
Yellowwood	Ginkgo
Seedless Honey Locust	Golden Raintree
Sweet Gum	Dawn Redwood
Black Gum	American Hophornbeam
Chinese Pistachio	White Oak
Saw Tooth Oak	Swamp White Oak
Scarlet Oak	Overcup Oak
Water Oak	Willow Oak
Northern Red Oak	Shumard Oak
Japanese Pododatree	Littleleaf Linden
Silver Linden	Princeton American Elm
Japanese Selkova	

(3) Class 2 shade trees. These trees are intended to be used for planting under overhead power lines only where they encroach into the property. All Class 2 shade trees shall be installed at a minimum caliper of one and one-half inches (1 1/2") as measured at two and one-half feet (2 1/2') above grade level from the base of the tree. Class 2 trees shall have a minimum expected maturity height of twenty feet (20') and a minimum canopy spread of ten feet (10').

Common Names

Trident Maples	Hedge Maple
Amur Maple	Serviceberry
Redbud	Flowering Dogwood

Kousa Dogwood	Thornless Cockspur Hawthorne
Winter King Hawthorne	Golden Raintree
Crape myrtle	Sweetbay Magnolia
Okame Cherry	Autumn Flowering Cherry
Yoshio Cherry	

(4) Screen trees. Screening trees are used to meet the tree planting requirements of the screening section. All screening trees shall be installed at a maximum height of eight feet (8') and have a minimum expected mature spread of eight feet (8').

Common Names

Atlas Cedar	Deodar Cedar
Leland Cypress	Foster Holly
American Holly	Eastern Red Cedar
Southern Magnolia	Shortleaf Pine
Loblolly Pine	Virginia Pine
Canadian Hemlock	Carolina Hemlock

(5) Screen shrubs. All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of six feet (6') and a mature spread of at least five feet (5').

Common Names

English Holly	Burford Holly
Nellie R. Stevens Holly	Wax Myrtle
Cherrylaurel	English Laurel
Eastern Arbor Vitae	Leatherleaf Viburnum

(6) Prohibited plants. The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance.

Common Names

Silver Maple	Garlic Mustard
Mimosa	Air-Potato
Asian Bittersweet	Thorny Olive
Autumn Olive	English Ivy
Winter Creeper	Chinese Privet
Sericea Lespedeza	January Jasmine
Common Privet	Amur Bush Honeysuckle
Japanese Grass	Tartarian Honeysuckle
Eurasian Water Milfoil	Purple Loosestrife
Common Reed	Mulberry

Silver Poplar	Princess Tree
Multiflora Rose	Japanese Knotweed/Bamboo
Johnson Grass	Kudzu
Siberian Elm	Tropical Soda Apple
Tree of Heaven	Japanese Spiraea

(Ord. #09-25, May 2009)

14-411. Utility easement policy. (1) Intent. To avoid damage to utility lines and landscape plantings, all trees and shrubs should be planted outside of existing and proposed utility easements.

(2) Policy. Any tree or shrub used to meet the requirements of this chapter shall not be located within proposed or existing utility easements unless it meets (1) one of the special exceptions as defined below.

(a) Written permission has been obtained from the holder of the utility easement.

(b) Where overhead power lines cross an area required by the ordinance to be planted with shade trees, smaller shade trees (listed in the plant installation specification section as Class II shade § 14-410(2)) may be substituted.

(c) If none of the special exceptions above apply, the following options shall be considered of priority.

(i) Priority 1--plant the tree as close to the easement as possible.

(ii) Priority 2--for highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street or parking lot.

(d) Utility easements can be used to meet the landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan. (Ord. #09-25, May 2009)

14-412. Maintenance. The property owner shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy (no more than fifty percent (50%) diseased), neat, and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this chapter. A maintenance/replacement bond or letter of credit in an amount equal to fifty percent (50%) of the projected cost of landscaping shall be provided to the Town of Monteagle for a period of not less than two (2) years. (Ord. #09-25, May 2009)

14-413. Certificate of occupancy/bonding. If the landscaping has not been installed and inspected for proper installation prior to receiving certificate

of occupancy, a certificate of occupancy may be granted provided the following conditions are met:

(1) Property owner posts a performance bond or irrevocable letter of credit with the town treasurer;

(2) The amount of the bond or letter of credit shall be at least one thousand dollars ($1,000.00) for Type C screening, three thousand dollars ($3,000.00) for Type B screening and five thousand dollars ($5,000.00) for Type A screening.

After receiving the certificate of occupancy, the remaining landscape material shall be installed within one (1) year from the date the certificate of occupancy is issued. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the one (1) year period and the funds applied to complete the landscaping work. (Ord. #09-25, May 2009)

14-414. <u>Appeals</u>. (1) Any person aggrieved by the administration, interpretation, or enforcement of this section may appeal to the board of zoning appeals within sixty (60) days of the building inspection office's decision. Decisions of the board of zoning appeals may be appealed to a court of competent jurisdiction. Should any court of competent jurisdiction find any portion of this section to be unlawful or unconstitutional, such finding shall not affect this section as a whole or any portion of it if not found invalid.

(2) Unique factors relating to topography, soil and vegetation conditions, space limitations, or uses of neighboring property may make landscaping impossible, ineffective or unnecessary. The hardship section of this document provides administrative remedies and guidelines where the strict application of the landscape ordinance would create an undue hardship. If the administrative remedies and guidelines as described within that section do not relieve the undue hardship, requests for use of alternative landscaping schemes or variances are justified only when one (1) or more of the following conditions apply:

(a) Topography, soil, vegetation, or other site conditions are such that full compliance is impossible, impractical, or ineffective. If the request is a variance in the screening requirements a letter shall be required from the owners of abutting property to acquiesce with the variance or alternative landscaping scheme.

(b) Due to a change of use of an existing site, the required screening requirements (buffer yard) are larger than can be provided as required by the provisions of this ordinance.

(c) The site involves space limitations or unusually shaped parcels.

(d) When the strict application of this landscape ordinance would impact the safety of the general public. (Ord. #09-25, May 2009)

14-415. Definitions. (1) "Caliper." A measurement of the tree trunk, diameter measured at two and one-half feet (2 1/2') above grade level.

(2) "Chain link fencing" used for security not screening and cannot be used to satisfy any landscaping requirements.

(3) "Class I shade trees." Any plant having a central trunk, a maximum expected maturity height of thirty-five feet (35'), and an expected minimum mature canopy spread of twenty feet (20').

(4) "Class II shade trees." Any plant having a central trunk, a maximum expected maturity height of twenty-five feet (25').

(5) "Fence" includes wood, masonry, or evergreen plants and includes chain links (however, chain linked fences shall not be used for any type of screening, i.e., slats attached or weaved in fence).

(6) "Gross floor area." The total interior space as defined by the building code.

(7) "Impervious surfaces" includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

(8) "Interior parking bay." All parking bays that do not qualify as a perimeter bay.

(9) "Landscaped area/landscape yard." An area to be planted with grass, trees, shrubs, or other natural ground cover. No impervious surfaces are permitted in these areas.

(10) "Landscaped island." A landscaped area defined by a curb and surrounded by paving on all sides.

(11) "Landscaped peninsula." A landscaped area defined by a curb and surrounded by paving on three (3) sides.

(12) "Masonry wall" made of brick or stone; any other masonry construction must be approved by the planning commission.

(13) "Natural buffer." An area of land set aside for preservation in its natural vegetative state. Plants may not be removed with the exception of poisonous or non-native plant species. In addition, fill/cutting activities, storage of material, and impervious surfaces are not permitted in these areas.

(14) "New development" construction of a new building or structure on its own lot is considered as new development. New buildings or a structure constructed on a lot which already contains existing buildings is considered as an expansion.

(15) "Perimeter bay." All parking bays that are adjacent to the perimeter of a development.

(16) "Screening shrubs." Evergreen shrubs that maintain their foliage year-round.

(17) "Screening trees." Evergreen trees that maintain their foliage year-round.

(18) "Street yard." A designated landscaped area where private property abuts the public street right-of-way for planting of grass, trees, and shrubs. (Ord. #09-25, May 2009)

CHAPTER 5

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-501. Statutory authorization, findings of fact, purpose and objectives.
14-502. Definitions.
14-503. General provisions.
14-504. Administration.
14-505. Provisions for flood hazard reduction.
14-506. Variance procedures.
14-507. Legal status provisions.

14-501. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-201 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Monteagle, Tennessee, Mayor and its Legislative Body do ordain as follows:

(2) Findings of fact. (a) The Town of Monteagle, Tennessee, Mayor and its Legislative Body wishes to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch.1, section 60.3.

(b) Areas of the Town of Monteagle, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is adequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To establish eligibility for participation in the NFIP. (Ord. #02-11, Feb. 2011)

14-502. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building" see "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structure" see "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater change of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Monteagle, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use

with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood" see "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction mens the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency" the Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure" for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

(a) The market value of the structure should be:

(i) The appraised value of the structure prior to the start of the initial improvement; or

(ii) In the case of substantial damage, the value of the structure prior to the damage occurring.

(b) The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this ordinance.

(63) "Violation" means the failure of a structure or other development to be fully complaint with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #02-11, Feb. 2011)

14-503. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the Town of Monteagle, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard in the Town of Monteagle, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Marion County 47115, community ID 470309, and panel numbers 0080 and 0085, dated February 4, 2009; Grundy County 47061, community ID 470309, and panel numbers 0205, 0210, 0215, 0220, 0230, and 0240, dated September 25, 2009; and Franklin County 47051, community ID 470309, and panel number 0200, dated August 4, 2008, along with all supporting technical data, are adopted by reference and declared to be part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Monteagle, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by

Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Monteagle, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #02-11, Feb. 2011)

14-504. Administration. (1) Designation of ordinance administrator. The (building official/name and position of other official) is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-505(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest

floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-504(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-504(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-504(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Monteagle, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #02-11, Feb. 2011)

14-505. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame lies to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-505(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-505(1) are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the

administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-504(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-505(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions;

must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-502).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-505(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-505(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-503(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase for the water surface elevation of the base flood elevation, velocities, or floodway widths during

the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Monteagle, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-505(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-503(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-505(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-503(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-505(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or

floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-502). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-504(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-505(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Monteagle, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-505(1) and (2). Within approximate A Zones, require that those subsections of § 14-505(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-503(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-505(1) and (2) apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-505(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be

floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-504(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A99 Zones). Located within the areas of special flood hazard established in § 14-503(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-504 and 14-505 shall apply.

(8) Standards for unmapped streams. Located within the Town of Monteagle, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-504 and 14-505. (Ord. #02-11, Feb. 2011)

14-506. Variance procedures. (1) Board of floodplain review.

(a) Creation and appointment. A board of floodplain review is hereby established which shall consist of three (3) members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall be terms of one (1), two (2), and three (3) years, respectively.

Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times, as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of (amount) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than (number of) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Monteagle, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance

to preserve the historic character and design of the structure.

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the prosed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the board of floodplain review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-506(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #02-11, Feb. 2011)

14-507. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Monteagle, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #02-11, Feb. 2011)

CHAPTER 6

SIGN REGULATIONS

SECTION

14-601. Definitions relating to on-premises signs.
14-602. Sign controls.
14-603. Billboards.
14-604. Permit procedures for on-premise signs.
14-605. Maintenance of on-premise signs.

14-601. Definitions relating to on-premises signs. For the purpose of this chapter and where otherwise made applicable by reference, the following definitions shall apply:

(1) "Attached sign." Attached sign shall mean an on-premise sign painted onto or attached to a building, canopy, awning, marquee or mechanical equipment located outside a building, which does not project more than eighteen inches (18") from such building, canopy, awning, marquee or mechanical equipment. Any such sign which projects more than eighteen inches (18") from the building, canopy, awning, marquee or mechanical equipment shall be considered a "projecting sign."

(2) "Awning." Awning shall mean a roof-like cover providing protection from the weather placed over or extending from above any window, door or other entrance to a building but excluding any column, pole, or other supporting structure to which the awning is attached.

(3) "Balloon sign." Balloon sign shall mean any sign painted onto or otherwise attached to or suspended from a balloon, whether such balloon is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises.

(4) "Banner." Banner shall mean an on-premise sign which is made of fabric, paper or any other non-rigid material and which has no enclosing framework or internal supporting structure but not including balloon signs.

(5) "Billboard." Any off-premise sign located elsewhere from a business to direct motorists and pedestrians to a business establishment.

(6) "Building." Building shall mean any structure that encloses a place for sheltering any occupants that contains not less than three hundred (300) square feet of enclosed space at the ground level or is routinely used for human occupancy in the ordinary course of business.

(7) "Canopy." Canopy shall mean a marquee or permanent, roof-like structure providing protection against the weather, whether attached to or detached from a building, but excluding any column, pole or other supporting structure to which the canopy may be attached.

(8) "Construction sign." Construction sign shall mean any temporary on-premise sign located upon a site where construction or landscaping is in

progress and relating specifically to the project which is under construction, provided that no such sign shall exceed a total of one hundred (100) square feet in sign area.

(9) "Detached sign." Detached sign shall mean:

(a) Any freestanding or projecting sign;

(b) Any sign attached to a canopy which is detached from a building and which has less than two hundred (200) square feet of roof area; and

(c) Any sign attached to a structure which is not a building.

(10) "Facade." Facade shall mean the total external surface area of a vertical side of a building, canopy, awning or mechanical equipment used to dispense a product outside a building. If a building, canopy, awning or mechanical equipment has a non-rectangular shape, then all walls or surfaces facing in the same director, or within twenty-five degrees (25°) of the same direction, shall be considered as part of a single facade. Additionally, any portion of the surface face of a mansard, parapet, canopy, marquee or awning which is oriented in the same direction (or within twenty-five degrees (25°) of the same direction) as the wall to which, or over which, such mansard, parapet, canopy, marquee, or awning is mounted shall be deemed a part of the same facade as such wall.

(11) "Freestanding/ground sign." Freestanding/ground sign shall mean a permanently affixed single or multi-faced on-premise sign which is constructed independent of any building and supported by one (1) or more columns, uprights, braces or constructed device.

(12) "Height." Height shall mean the total measurement of the vertical side of the rectangle which is used to calculate the "sign area."

(13) "Incidental sign." Incidental signs shall mean an on-premise sign, emblem or decal mounted flush with the facade to which it is attached and not exceeding two (2) square feet in sign area informing the public of goods, facilities or services available on the premises (e.g., a credit card sign, ice machine sign, vending machine sign or a sign indicating hours of business) or an on-premise sign which is affixed to mechanical equipment used to dispense a product and which is less than two (2) square feet in sign area.

(14) "Landmark sign." Landmark sign shall mean any on-premise which identifies and is attached to any building which is included on the National Register of Historic Places, is listed as a certified historic structure, is listed as a national monument or is listed under any similar state or national historical or cultural designation.

(15) "Mansard." Mansard shall mean the lower portion of a roof with two (2) pitches, including a flat-top roof with a mansard portion.

(16) "Mansard sign." Mansard sign shall mean any sign attached to the mansard portion of a roof.

(17) "Marquee." Marquee shall mean a permanent roof-like structure projecting from and beyond a building wall at an entrance to a building or

extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(18) "Message center." Message center shall mean a sign, on which the message or copy changes automatically on a lamp bank or through mechanical means also known as a commercial electronic variable message sign.

(19) "Occupant." Occupant shall mean each separate person which owns or leases and occupies a separate portion of a premises.

(20) "Off-premise sign." Off-premise sign shall mean any sign which is not an on-premise sign.

(21) "On-premise sign." On-premise sign shall mean any sign whose content relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities conducted on or offered from or on those premises, or the sale, lease or construction of those premises.

(22) "Person." Person shall mean individual, company, corporation, association, partnership, joint venture, business, proprietorship or any other legal entity.

(23) "Premises." Premises shall mean all contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way therefor.

(24) "Portable sign." Portable sign shall mean any on-premise sign which is not affixed to real property in such a manner that its removal would cause serious injury or material damage to the property and which is intended to be or can be removed at the pleasure of the owner, including without limitation, single or multi-faced sandwich boards, wheel-mounted mobile signs, sidewalk and curb signs, ground signs and balloon signs.

(25) "Projecting signs." Projecting sign shall mean an on-premise sign attached to a building, canopy, awning or marquee and projecting outward therefrom in any direction a distance or more than eighteen inches (18"), provided, however, that no projecting sign shall extend horizontally from the building more than eight feet (8') at the greatest distance.

(26) "Reader board." Reader board shall mean any on-premise sign attached to or made a part of the support system of a freestanding sign which either displays interchangeable messages or advertises some product or service offered separately from the name of the premises where it is located, such as "Deli Inside," "Tune-Ups Available," "Year-End Special" and the like.

(27) "Roof sign." Roof sign shall mean an attached or projecting sign:

(a) Which is placed on top of or over a roof, excluding the mansard portion of a roof or so attached to any flagpole, antenna, elevator housing facilities, air conditioning towers or coolers or other mechanical equipment on top of a roof;

(b) Any portion of which extends above the wall, canopy or awning to which a sign is attached; or

(c) Any portion of which extends above the top of the mansard in the case of a mansard sign.

(28) "Sign." Sign shall mean any structure or wall or other object used for the display of any message or messages; such term shall include without limitation any structure, display, device or inscription which is located upon, attached to or painted or represented on any land, on any building or structure, on the outside of a window or on an awning, canopy, marquee or similar appendage and which displays or includes any message or messages, numeral, letter work, model, emblem insignia, symbol, device, light, trademark or other representation used as or in the nature of an announcement, advertisement, attention-arrester, warning or designation of any person, firm, group, organization, place, community, product, service, businesses, profession, enterprise or industry. Provided, however, that the following shall be excluded from this definition:

(a) Signs or flags erected, provided, owned; authorized or required by a duly constituted governmental body including but not limited to, traffic or similar regulatory devices) legal notices or warnings at railroad crossings.

(b) Signs located inside a building.

(c) Memorial plaques or tablets.

(d) Gravestones.

(e) Inside faces of scoreboard fences or walls on athletic fields.

(f) Historical site plaques.

(g) The display of street numbers.

(h) Any message or messages on the clothing of any person or on motor vehicles unless otherwise prohibited.

(29) "Snipe sign." Snipe sign shall mean any on-premise sign for which a permit has not been issued which is attached in any way to a utility pole, tree, rock, fence or fence post.

(30) "Special event." Special event shall mean a short-term event of unique significance not in excess of thirty (30) days; such term shall include only grand openings, health-related promotions or health-related service programs (i.e., flu shot clinic, blood donation promotions, etc.), going-out-of-business sales, promotions sponsored by a governmental entity, fairs, school fairs, school bazaars, charity events, festivals, religious celebrations and charity fund raisers and shall not include other sales or promotions in the ordinary course of business.

(31) "Unused signs." Any sign that has not displayed a message or messages for more than ninety (90) days or is not kept in good structural repair such that the sign could pose a risk to public health or safety.

(32) "Wall graphics or wall murals." Wall graphic or wall murals shall mean a painted scene, figure or decorative design so as to enhance the building architecture and which does not include written trade names, advertising or commercial messages.

(33) "Width." Width shall mean the total measurement of the horizontal side of the rectangle which is used to calculate "sign area." (Ord. #03-11, June 2011)

14-602. Sign controls. The following regulations apply to on-premise signs in the districts hereinafter set forth:

(1) Residential district (R). (a) Signs accessory to professional and home occupations conducted in a dwelling are permitted provided that the surface display area on one (1) side of the sign does not exceed two (2) square feet.

(b) No more than one (1) sign shall be erected for each permitted use on the premises.

(c) Real estate signs are permitted.

(d) No other signs are permitted.

(2) Commercial, all districts: C-1, C-2, C-3. (a) Attached signs are permitted provided said signs:

(i) Do not need exceed twenty percent (20%) of the area of the building face to which the sign is to be erected;

(ii) Are not mounted, attached or painted to the building's wall (not the primary face of the building) with the exception of signs that specifically identify the business by name.

(b) Ground signs are permitted provided said signs:

(i) Do not exceed nine hundred (900) square feet and that no one (1) sign can be larger than six hundred (600) square feet;

(ii) Are set back ten feet (10') from the public right-of-way. This measurement is taken from the edge of the sign to the right-of-way, not from the poles supporting the ground sign. For each additional foot of setback, one foot (1') in height is required up to a thirty feet (30') maximum height from bottom of sign;

(iii) Are not higher than two hundred feet (200') from the finished grade.

(iv) Are spaced so that they are not closer than fifty feet (50') to another ground sign;

(v) Do not exceed three (3) signs per tract of property.

(c) Real estate signs are permitted on listed property only.

(d) Contractor's signs are permitted during construction of a building for which a building permit has been issued, one (1) sign not exceeding thirty-two (32) square feet in area and identifying the contractors, engineers/architects and federal, state, or local agency, if any, involved, which signs shall be removed immediately upon completion of the construction.

(e) Banners shall be permitted providing said banners:

(i) Do not exceed twenty percent (20%) of the area of the building face to which the sign is to be attached.

(ii) Are attached to the structure at four (4) corners of the banner;

(iii) Does not exceed more than one (1) banner per business or structure;

(iv) Are maintained so that at no time do they become tattered, torn, faded, unsightly or not attached in a safe and secure fashion.

(f) Monument signs shall be permitted provided the signs:

(i) Are no closer than ten feet (10') from the right-of-way as measured from the side of the sign, including supports, to the edge of the right-of-way;

(ii) Are no higher than six feet (6') from the ground to the top of the sign or support;

(iii) Are no wider than fifteen feet (15'), including supports;

(iv) Are located in Zones A or C as set forth on the zoning map of the town.

(3) Industrial district (I-1). (a) Attached signs are permitted provided said signs:

(i) Do not exceed twenty percent (20%) of the area to the building's face to which is to be erected;

(ii) Are not attached, mounted or painted to the building's roof or extended above the building's roof line.

(b) Ground signs are permitted provided said signs:

(i) Are set back ten feet (10') from the public right-of-way. This measurement is to be taken from the edge of the sign to the right-of-way, not from the pole supporting the ground sign;

(ii) Are spaced so that they are no closer than fifty feet (50') to one another;

(c) Real estate signs are permitted on listed property only.

(d) Contractor's signs are permitted during construction of a building for which a building permit has been issued, one (1) sign not exceeding thirty-two (32) square feet in area and identifying the contractors, engineers/architects and federal, state or local agency, if any involved, which signs shall be removed immediately upon completion of the construction.

(e) Aggregate display surface area of all signs not exceeding one thousand (1,000) square feet.

(f) Billboards are permitted only in the industrial district provided said signs.

(i) Are not larger than seven hundred seventy-five (775) square feet in surface display area.

(4) All signs hereafter erected in any district shall also comply with the following regulations:

(a) Signs painted or pasted directly on the structures shall be counted against the aggregate display surface area allowed.

(b) Signs incorporating any noisy mechanical device are expressly prohibited.

(c) No sign or part thereof shall consist of pendants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices for a period exceeding thirty (30) days. These items may only be used as part of the business's grand opening celebration for a period not to exceed thirty (30) days. There shall be only one (1) grand opening per owner of said business.

(d) Illuminated signs and outside lighting devices, including beacons and spotlights, shall emit only light of constant intensity, and no sign shall be illuminated by or contain flashing, blinking, intermittent, rotating, or moving light or lights, except message center signs. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit focused light to be directed or beamed upon a public street, highway, sidewalks, or adjacent premises so as to cause glare or reflection that constitutes a traffic hazard or nuisance. Bare bulbs may be used on signs only when they are used as an integral part of the sign or as a message center sign and provided that the maximum wattage of the bulb shall not exceed seventy-five (75) watts.

(e) No sign or any type of any foundation or support, therefore shall be placed in or on any dedicated street or highway right-of-way, or in any utility and drainage easement. No part of a sign may extend over the right-of-way.

(f) No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof. The bottom of the sign shall not be lower than twelve feet (12') except for ground signs larger than one hundred (100) square feet shall not be lower than thirty feet (30').

(g) Signs are prohibited which contain or are in imitation of an official traffic signal or contain the words "stop," "go," "slow," "caution," "danger," "warning," or similar words, when used in such a manner that the same may be mistaken or confused with an official sign.

(h) No new billboards shall be erected within the corporate limits, except as allowed in the industrial district (I-1).

(i) The setback refers to any portion of the sign or its supports.

(j) In computing the area of all signs permitted under this chapter, the same shall be computed as follows:

(i) The supports or uprights and covering thereon on which a sign is supported shall not be included in the display surface area of a sign.

(ii) When two (2) signs of the same shape and dimensions are mounted or displayed back to back and parallel, only one (1) such face shall be included in computing the total display surface area of the sign.

(iii) The display surface area of a wall sign consisting of individual letters not enclosed by a box or outline shall be the sum of the net area of each letter. Area of letters equals shaded area only.

(iv) The display surface area of a sign consisting of connected letters or letters enclosed by a box or outline shall be the total area of the sign including the background, box or outline.

(v) The display surface area of a multi-faced sign shall be one-half (1/2) of the sum of all surface area forming a part of the display.

(k) Any sign legally in existence at the time of the effective date of this ordinance may be continued in use despite any non-conformity with these provisions; if such non-conforming sign is removed or altered by act of God, vandalism or accident, it may be restored to its former condition; if such non-conforming sign needs to be changed, painted or re-lettered by reason of change of business, the same may be done; if such sign needs to be repaired to prevent its falling into disrepair so far as safety is concerned, the same may be done. Under no other circumstances may any non-conforming sign be restored, replaced, or re-erected.

(l) In any zoning district, in addition to the regulations contained herein, and to the extent they do not conflict with the same, those regulations contained within the building code shall apply. (Ord. #03-11, June 2011)

14-603. <u>Billboards</u>. Billboards, except as provided in § 14-902(3)(d) above, and any other outdoor advertising structures not herein expressly allowed, including, but not limited to portable or moveable temporary signs, illuminated, or otherwise, are expressly prohibited. (Ord. #03-11, June 2011)

14-604. <u>Permit procedures for on-premise signs</u>. (1) Before any person shall erect, construct, maintain or place any sign permitted by this chapter to be constructed, erected, placed or maintained, such person shall submit a sign application to the town recorder. During a period prior to the regularly scheduled monthly planning commission meeting, the building inspector shall inspect the location and plans for said sign for compliance to this chapter: The sign application shall include but not necessarily be limited to the following information:

(a) Location of property;

(b) Name and address of all persons owning or claiming an interest in said property;

(c) Posted names of any abutting street, roads, highways, etc.;

(d) Sketch of property showing dimensions of tract and approximate location of the sign(s);

(e) The exact dimensions of the sign or display;

(f) The materials to be used in the construction, erection, maintenance or repair;

(g) The name, address and telephone number of the applicant or applicant's agent;

(h) Estimated construction costs, including costs of installation;

(i) Any other information application deems appropriate in support of the application.

(2) Once an application has been reviewed by the building inspector, and the sign is in compliance with this chapter, the building inspector may issue the sign permit. However, if for some reason, the sign is not in compliance, and the building inspector will not issue the sign permit, the matter may be appealed and shall be brought before the board of zoning appeals for review and consideration.

(3) Upon approval of the application for permit by the building inspector as herein above set forth, the town recorder or town clerk shall collect from the applicant at the time of issuance a one (1) time fee for signs calculated by multiplying the total square of the sign by the sum of two dollars ($2.00). All banners, as approved herein shall be charged an annual fee of one hundred dollars ($100.00). Said fee is renewable annually on the date of the issuance of the permit.

(4) The construction, election, maintenance, placement, repair or alteration of any sign, outdoor display or advertisement without compliance with requirements of this chapter shall subject the violator to a fine of fifty dollars ($50.00) and court cost. For the purpose of this chapter, each day a violation exists shall be deemed a separate offense.

Any person charged with a violation of this chapter shall be cited to appear before the town court of Monteagle by the building inspector or the chief of police. Should the accused be found guilty of a violation or violations of this chapter, the town judge shall impose the fines herein set forth, it being the express intent of the mayor and board of aldermen that the fine cannot be waived, reduced or in any manner forgiven. In addition to the fine and costs, which shall be assessed upon being found guilty, the court is further empowered to direct the removal of the sign to be in effect no later than ten (10) days from the date of a hearing. (Ord. #03-11, June 2011)

14-605. Maintenance of on-premise signs. All on-premises signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The building official shall order the removal of any on-premise sign which is defective, damaged or substantially deteriorated. (Ord. #03-11, June 2011)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER

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

CHAPTER 1

MISCELLANEOUS[2]

SECTION

15-101. Motor vehicle requirements.
15-102. Driving on streets closed for repairs, etc.
15-103. Reckless driving.
15-104. Unlaned streets.
15-105. Laned streets.
15-106. Yellow lines.
15-107. Miscellaneous traffic control signs, etc.
15-108. General requirements for traffic control signs, etc.
15-109. Unauthorized traffic control signs, etc.
15-110. Presumption with respect to traffic control signs, etc.
15-111. School safety patrols.
15-112. Driving through funerals or other processions.
15-113. Clinging to vehicles in motion.

---

[1]Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

[2]State law reference
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. Riding on outside of vehicles.
15-115. Backing vehicles.
15-116. Projections from the rear of vehicles.
15-117. Causing unnecessary noise.
15-118. Vehicles and operators to be licensed.
15-119. Passing.
15-120. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
15-121. Delivery of vehicle to unlicensed driver, etc.
15-122. Adoption of state traffic statutes.
15-123. Compliance with financial responsibility law required.
15-124. Operation of trucks with three or more axles restricted.
15-125. Use of jake brakes prohibited.

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. (1989 Code, § 15-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1989 Code, § 15-102)

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. (1989 Code, § 15-103)

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

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

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

(c) Upon a roadway designated and signposted by the town 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. (1989 Code, § 15-105)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1989 Code, § 15-106)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1989 Code, § 15-107)

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

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1989 Code, § 15-108)

15-108. 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,[2] 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 town. This section shall not be construed as being mandatory but is merely directive. (1989 Code, § 15-109)

15-109. 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

---

[1]Municipal code reference

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

[2]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. (1989 Code, § 15-110)

15-110. Presumption with respect to traffic control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper town authority. (1989 Code, § 15-111)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1989 Code, § 15-112)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1989 Code, § 15-113)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1989 Code, § 15-114)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1989 Code, § 15-115)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1989 Code, § 15-116)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in

such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1989 Code, § 15-117)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1989 Code, § 15-118)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1989 Code, § 15-119)

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

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1989 Code, § 15-120)

15-120. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

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

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

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

(2) Every person riding or operating a bicycle, motorcycle, motor driven cycle or motorized bicycle 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, motor driven cycles, or motorized bicycles.

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

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

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

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

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

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

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1989 Code, § 15-121)

15-121. Delivery of vehicle to unlicensed driver, etc.

(1) Definitions. (a) "Adult" shall mean any person eighteen years of age or older.

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

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

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

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

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

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the town in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the town. (1989 Code, § 15-122)

15-122. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302, the town adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the town adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, § 55-12-139 and § 55-21-108 by reference as if fully set forth in this section.

15-123. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits 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 under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision of this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, 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.

(3) 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 Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year and 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 Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer 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 Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars ($50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect 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. (Ord. #10-14, Aug. 2013)

15-124. Operation of trucks with three or more axles restricted.

(1) The town council shall authorize personnel to direct the posting of official traffic control devices on any street, alley, or other public way or portion

thereof to prohibit traffic of trucks with three (3) or more axles or with a gross weight of ten (10) tons or more and to restrict such traffic on residential streets or upon any street which does not have an adequate base or foundation to withstand heavy truck traffic. Nothing herein shall be deemed to prohibit the operation of any such designated trucks on such streets with the sole purpose of making a single pick up or delivery which would entail traveling over the restricted portion of the street without unreasonable interfering with the effective movement of traffic or causing damages to the street or adjacent property to the street. If the effective movement of traffic is hindered by such designated truck on any posted street, or damages results from the operation of such trucks on any posted street, the operator and owner of such vehicle shall be cited to the town court.

(2) For truck operations which require multiple trips on any restricted street, the truck operator shall make application with the town recorder for a permit to use the restricted street. The operator may be required to post a bond with the town to cover any costs of repair caused to any street which may be determined as a result of the trucks operation. (Ord. #10-14, Aug 2013)

15-125. <u>Use of jake brakes prohibited</u>. The Town of Monteagle shall require all trucks traveling inside the town limits to not use jake brakes. (Ord. #10-16, Sept. 2013)

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. (1989 Code, § 15-201)

15-202. Operation of authorized emergency vehicles.[1]

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

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

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

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

---

[1]Municipal code reference
Operation of other vehicle upon the approach of emergency vehicles: § 15-501.

consequences of his reckless disregard for the safety of others. (1989 Code, § 15-202)

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1989 Code, § 15-203)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1989 Code, § 15-204)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.
15-302. At intersections.
15-303. In school zones.

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. (1989 Code, § 15-301)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1989 Code, § 15-302)

15-303. In school zones. (1) Pursuant to Tennessee Code Annotated, § 55-8-152, the town shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this section.

(2) In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1989 Code, § 15-303, modified)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.
15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.[1] (1989 Code, § 15-401)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1989 Code, § 15-402)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1989 Code, § 15-403)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1989 Code, § 15-404)

15-405. U-turns. U-turns are prohibited. (1989 Code, § 15-405)

---

[1]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 "stop" signs.
15-505. At "yield" signs.
15-506. At traffic control signals generally.
15-507. At flashing traffic control signals.
15-508. At pedestrian control signals.
15-509. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.[1] Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1989 Code, § 15-501)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1989 Code, § 15-502)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1989 Code, § 15-503)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk

---

[1]Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.

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. (1989 Code, § 15-504)

15-505. At "yield" signs. The drivers of all vehicles shall yield the right-of-way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1989 Code, § 15-505)

15-506. 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 generally a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall 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. (1989 Code, § 15-506)

15-507. 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 town 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. (1989 Code, § 15-507)

15-508. 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 town, 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. (1989 Code, § 15-508)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,[1] except in an emergency. (1989 Code, § 15-509)

[1]State laws reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

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

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

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

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley 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. (1989 Code, § 15-601)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (1989 Code, § 15-602)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1989 Code, § 15-603)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within fifteen feet (15') of a fire hydrant.

(5) Within a pedestrian crosswalk;

(6) Within twenty feet (20') of a crosswalk at an intersection.

(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.

(8) Within fifty feet (50') of the nearest rail of a railroad crossing.

(9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic:

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is:

(a) Physically handicapped; or

(b) Parking such vehicle for the benefit of a physically handicapped person.

A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, § 55-8-160(c). (1989 Code, § 15-604)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1989 Code, § 15-605)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1989 Code, § 15-606)

CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Illegal parking.
15-704. Impoundment of vehicles.
15-705. Disposal of abandoned motor vehicles.

15-701. Issuance of traffic citations.[1] When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town 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. (1989 Code, § 15-701)

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. (1989 Code, § 15-702)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation.

If the offense is a parking violation, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the town recorder a

---

[1]Municipal code references

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 2.

State law reference

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

fine of one dollar ($1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, but before a warrant for his arrest is issued, his fine shall be three dollars ($3.00). However, for the violation of parking in a handicapped parking space under § 15-604(13) of this code, the offender may be punished according to the general penalty provisions of this code of ordinances. (1989 Code, § 15-703)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (1989 Code, § 15-704)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1989 Code, § 15-705)

TITLE 16

STREETS AND SIDEWALKS, ETC.[1]

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS.

CHAPTER 1

MISCELLANEOUS

SECTION
16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-107. Littering streets, alleys, or sidewalks prohibited.
16-108. Obstruction of drainage ditches.
16-109. Abutting occupants to keep sidewalks clean, etc.
16-110. Parades, etc., regulated.
16-111. Operation of trains at crossings regulated.
16-112. Animals and vehicles on sidewalks.
16-113. Fires in streets, etc.
16-114. System of naming and numbering streets.
16-115. Easements for streets and roadways.
16-116. Regulation of banners on light poles.

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. (1989 Code, § 16-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (1989 Code, § 16-102)

---

[1]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. (1989 Code, § 16-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.[1] (1989 Code, § 16-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across 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. (1989 Code, § 16-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1989 Code, § 16-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1989 Code, § 16-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1989 Code, § 16-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1989 Code, § 16-109)

---

[1]Municipal code reference
Building code: title 12, chapter 1.

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the town recorder. Proof of insurance must be provided before a permit is issued. (1989 Code, § 16-110, modified)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1989 Code, § 16-111)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1989 Code, § 16-112)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1989 Code, § 16-113)

16-114. System of naming and numbering streets. A uniform system of naming and numbering streets within the Town of Monteagle is hereby adopted.

(1) Such system shall record the name and numbers of each street within the town.

(2) A separate set of numbers shall be assigned to each parcel of land which is at least fifty feet (50') in length along any street or right-of-way within the town.

(3) All extensions of street shall bear the name of the street so extended.

(4) All owners or persons in occupation of the said parcels of land who are assigned new street numbers shall have sixty (60) days from the date of assignment in which to post such assigned numbers at the front entrances to their property or the property occupied by them. Such numbers shall be of such quality as to be clearly legible from the street.

(5) The town recorder shall supervise the uniform system for numbering properties and maintain such records as will properly identify all property so affected.

(6) It shall be unlawful for any person or persons to violate the provisions of this section and upon conviction shall be fined in accordance with the general penalty clause of this code. (1989 Code, § 16-114)

16-115. Easements for streets and roadways. (1) No dedication for any street, roadway or thoroughfare (hereinafter referred to as street) shall be accepted by the town unless said dedication shall contain a grant of right-of-way of twenty-five feet (25') on both sides of the centerline of said street for a minimum total width of fifty feet (50'). Any attempted acceptance in violation of the foregoing is void and of no effect.

(2) All present streets are hereby declared to contain a twenty-five foot (25') right-of-way on each side of the centerline of said street, for a total right-of-way of fifty feet (50').

(3) Nothing in the foregoing section shall be interpreted to create a right in any person or entity to insist upon acceptance of any street dedicated or offered in conformity therewith or to create any duty on behalf of the Town of Monteagle to maintain any street or pay any sum of money for any purpose. Insofar as this provision conflicts with any previous provision, this section shall control.

(4) If any part of this section is held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

(5) All ordinances or parts of ordinances conflicting with the provisions of this section are hereby repealed insofar as the same affect this section (Ord. #90-05, Oct. 1990)

16-116. Regulation of banners on light poles. (1) Any group or organization that wishes to display banners of any type or nature on the light poles within the town limits of Monteagle shall be required to present their request before the town council at its regular monthly meeting; and

(2) Only requests from non-profit enterprises shall be reviewed by said council; and

(3) Any and all such banners must comply in size and color with any banners being displayed by the Town of Monteagle, and the number of such banners and the length of time for display of them may be restricted by the town council; and

(4) Any group or organization receiving permission to hang such banners shall hold the town harmless for any damage to or by said banners or injury caused by said banners and shall be solely responsible for the installation and removal of said banners. (Ord. #01-06, Nov. 2001)

CHAPTER 2

EXCAVATIONS[1]

SECTION

16-201. Permit required.
16-202. Applications.
16-203. Fee.
16-204. Deposit or bond.
16-205. Safety restrictions on excavations.
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, including utility districts, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first 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 town recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (1989 Code, § 16-201)

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

---

[1]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).

laws relating to the work to be done. Such application shall be rejected or approved by the town recorder within twenty-four (24) hours of its filing. (1989 Code, § 16-202)

16-203. Fee. The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and twenty-five cents ($0.25) for each additional square foot in the case of excavation, or lineal foot in the case of tunnels; but not to exceed one hundred dollars ($100.00) for any permit. (1989 Code, § 16-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the town 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 town recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town 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. (1989 Code, § 16-204)

16-205. Safety restrictions on excavations. 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. (1989 Code, § 16-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon 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 town recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of

doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1989 Code, § 16-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the town recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance shall not be less than three hundred thousand dollars ($300,000.00) for bodily injury or death of any one (1) person in any (1) accident, seven hundred thousand dollars ($700,000.00) for bodily injury or death of all persons in any one (1) accident, and one hundred thousand dollars ($100,000.00) for injury or destruction of property in any one (1) accident.[1] (1989 Code, § 16-207, modified)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town 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 town recorder. (1989 Code, § 16-208)

16-209. Supervision. The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1989 Code, § 16-209)

---

[1]State law reference
Tennessee Code Annotated, § 29-20-403.

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 feet (35') in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1989 Code, § 16-210)

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER
1. STORAGE AND COLLECTION.

CHAPTER 1

STORAGE AND COLLECTION

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. Refuse collection fees.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1989 Code, § 17-101)

17-102. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1989 Code, § 17-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the town handles mechanically. Furthermore, except for containers which the town 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 feet (4') and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection. (1989 Code, § 17-103)

17-104. Location of containers. Where alleys are used by the town refuse collectors, containers shall be placed on or within six feet (6') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the town 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 be no curb, at such times as shall be scheduled by the town 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. (1989 Code, § 17-104)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1989 Code, § 17-105)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under such rules as the board of mayor and aldermen shall make. Collections shall be made regularly in accordance with an announced schedule. (1989 Code, § 17-106)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1989 Code, § 17-107)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1989 Code, § 17-108)

17-109. <u>Refuse collection fees</u>. Refuse collection fees shall be at such rates as are from time to time set by the board of mayor and aldermen by ordinance or resolution.[1] (1989 Code, § 17-109)

[1]Administrative ordinances and resolutions are of record in the office of the town recorder.

TITLE 18

WATER AND SEWERS[1]

CHAPTER

1. WATER AND SEWER SYSTEM ADMINISTRATION.
2. GENERAL WASTEWATER REGULATIONS.
3. INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS.
4. CROSS-CONNECTION CONTROL ORDINANCE.
5. FATS, OILS, AND GREASE (FOG) ORDINANCE.

CHAPTER 1

WATER AND SEWER SYSTEM ADMINISTRATION

SECTION

18-101. Utility board.
18-102. Application and scope.
18-103. Definitions.
18-104. Use of public water required.
18-105. Application and contract for service.
18-106. Service charges for temporary service.
18-107. Connection charges.
18-108. Water and sewer main extensions.
18-109. Water and sewer main extension variances.
18-110. Meters.
18-111. Meter tests.
18-112. Meter tampering and alteration prohibited.
18-113. Multiple services through a single meter.
18-114. Customer billing and payment policy.
18-115. Termination or refusal of service.
18-116. Termination of service by customer.
18-117. Access to customers' premises.
18-118. Inspections.
18-119. Customer's responsibility for system's property.
18-120. Customer's responsibility for violations.
18-121. Supply and resale of water.

---

[1]Municipal code references
Building, utility and residential codes: title 12.
Cross-connections: title 18.
Refuse disposal: title 17.

18-122. Unauthorized use of or interference with water supply.
18-123. Limited use of unmetered private fire line.
18-124. Damages to property due to water pressure.
18-125. Liability for cutoff failures.
18-126. Restricted use of water.
18-127. Interruption of service.
18-128. Schedule of rates.
18-129. Classification categories of utility users and impact fees.
18-130. Easements for water and/or sewer mains.

18-101. Utility board. The Board of Mayor and Aldermen of the Town of Monteagle shall perform the duties as required of all boards under the authority of Tennessee Code Annotated, § 7-35-406 in reference to the water, sewer and gas service to the Town of Monteagle.

The Board of Mayor and Aldermen of the Town of Monteagle shall have all the powers, duties, and responsibilities imposed upon the municipal utility board by Tennessee Code Annotated, § 7-35-401, et seq., and all references to the utility board in the future shall refer to the Board of Mayor and Aldermen of the Town of Monteagle. (1989 Code, § 18-101)

18-102. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1989 Code, § 18-102)

18-103. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

(2) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(3) "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.

(4) "Service line" shall consist of the pipe line extending from any water or sewer main of the town 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 town's water main to and including the meter and meter box. (1989 Code, § 18-103)

18-104. Use of public water required. Every current resident and all new residents inside the corporate limits of the Town of Monteagle are required to purchase water and water service from the Town of Monteagle where such service is available, as determined by the Town of Monteagle Utility Board. The constructing of a well or any other apparatus intended to receive water for use

in a dwelling or place of business for human use and consumption shall constitute a violation of this chapter. (1989 Code, § 18-104)

18-105. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract and pay a service deposit as set from time to time by the board of mayor and aldermen before service is supplied. The service deposit shall be refundable if and only if the town cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the town to the applicant shall be limited to the return of any deposit made by such applicant. (1989 Code, § 18-105)

18-106. 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. (1989 Code, § 18-106)

18-107. Connection charges. Service lines will be laid by the town from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town.

Before a new water or sewer service line will be laid by the town, the applicant shall pay a nonrefundable connection charge as set from time to time by the board of mayor and aldermen.

When a service line is completed, the town 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 town. 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. (1989 Code, § 18-107)

18-108. Water and sewer main extensions.[1] Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

---

[1]Municipal code reference

Construction of building sewers: title 18, chapter 2.

All such extensions shall be installed either by town forces or by other forces working directly under the supervision of the town 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 town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town 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. (1989 Code, § 18-108)

18-109. 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 town 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 town to make such extensions or to furnish service to any person or persons. (1989 Code, § 18-109)

18-110. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

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 town. 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. (1989 Code, § 18-110)

18-111. Meter tests. The town 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:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%

4"	4%
6"	5%

The town will also make tests or inspections of its meters at the request of the customer. However, if a test required by a customer shows a meter to be accurate within the limits stated above, the customer shall pay meter testing charges.[1] (1989 Code, § 18-111, modified)

18-112. Meter tampering and alteration prohibited. The following regulations will govern all water meters:

(1) No person, firm, partnership, business, corporation, customer or any other entity shall tamper with, or in any way alter any pipeline, meter or other device used to record the flow of water to any residence, business or other location.

(2) Any tampering or alteration of said pipeline, meter or device used to record the flow of water, shall be presumed to be for the purpose of obtaining water from the Monteagle Utility Board without payment, or at a reduced payment level.

(3) Only authorized personnel from the Monteagle Utility Board shall be allowed to attend to said pipelines, meters or recording devices, and only then upon official Monteagle Utility Board business. Any employee of the Monteagle Utility Board who alters, damages, or tampers with a pipeline, meter, or recording device outside the scope of his employment, or without authority shall be presumed to be so doing for the purpose of obtaining water for someone or some entity at a reduced payment level or for no payment.

(4) Anyone who violates the provisions of this section shall be punished according to the general penalty provisions of this code and further shall have the water service affected by the violation terminated by the Monteagle Utility Board. Any employee who violates subsection (3) above shall, in addition to a fine, be terminated from his/her employment with the Monteagle Utility Board. (1989 Code, § 18-112)

18-113. Multiple services through a single meter. No customer shall supply water service to more than one (1) dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and charges

---

[1]Meter testing charges, as amended from time to time, are available in the office of the town recorder.

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 town's applicable water schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1989 Code, § 18-113)

18-114. Customer billing and payment policy. Water and sewer bills shall be rendered monthly and shall designate a standard net payment period for all members as set from time to time by the board of mayor and aldermen. Failure to receive a bill will not release a customer from payment obligation. The board of mayor and aldermen shall establish for all members a late payment charge for any portion of the bill paid after the net payment period.

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 town reserves the right to render an estimated bill based on the best information available. (1989 Code, § 18-114)

18-115. Termination or refusal of service. (1) Basis of termination or refusal. The town shall have the right to discontinue water and sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

(a) These rules and regulations, including the nonpayment of bills.

(b) The customer's application for service.

(c) The customer's contract for service.

The right to discontinue service shall apply to all water and sewer services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(2) Termination of service. Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the water and sewer department, plus the payment of a reconnection charge to be set from time to time by the board of mayor and aldermen. (1989 Code, § 18-115, modified)

18-116. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) business 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 town 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 town 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 town should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town 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. (1989 Code, § 18-116, modified)

18-117. Access to customers' premises. The town'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 town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1989 Code, § 18-117)

18-118. Inspections. The town 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 town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1989 Code, § 18-118)

18-119. 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 town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost

of necessary repairs or replacements shall be paid by the customer. (1989 Code, § 18-119)

18-120. Customer's responsibility for violations. Where the town 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. (1989 Code, § 18-120)

18-121. Supply and resale of water. All water shall be supplied within the town exclusively by the town, 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 town. (1989 Code, § 18-121)

18-122. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1989 Code, § 18-122)

18-123. 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 town.

All private fire hydrants shall be sealed by the town, 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 town a written notice of such occurrence. (1989 Code, § 18-123)

18-124. Damages to property due to water pressure. The town 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 town's water mains. (1989 Code, § 18-124)

18-125. Liability for cutoff failures. The town'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 town has failed to cut off such service.

(2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town 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's main. (1989 Code, § 18-125, modified)

18-126. Restricted use of water. In times of emergencies or in times of water shortage, the town 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. (1989 Code, § 18-126)

18-127. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town 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 town 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. (1989 Code, § 18-127)

18-128. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the board of mayor and aldermen may from time to time adopt by appropriate ordinance or resolution.[1] (1989 Code, § 18-128)

18-129. Classification categories of utility users and impact fees. The Board of Mayor and Aldermen of the Town of Monteagle, hereby levy and establish the following classification categories of utility user impact fees:

(1) Single family homes with no business or accessory use;

(2) Single family homes with a business or accessory use operating out of the home;

(3) Commercial business (other than those operated out of the home as in subsection (2) above;

(4) Single family residences located within a development or PUD containing at least five (5) total units within said development or PUD;

(5) Industrial users;

(6) Institutional (government or non-profit users).

If any user qualifies under two (2) or more of the foregoing classification categories ((1)-(6)), then the classification containing the highest impact user rate shall apply.

---

[1]Administrative ordinances and regulations are of record in the office of the town recorder.

The Monteagle Public Utility Board is empowered to set, establish and amend rates applicable to utility user access fees.

Appendix A[1] shall become a part of this chapter as if contained within verbatim. (Ord. #08-21, July 2008)

18-130. Easements for water and/or sewer mains. (1) The Town of Monteagle must have proper access for the installation, maintenance, upkeep and or replacement of any and/or all of its water and/or sewer mains.

(2) The Town of Monteagle shall require a permanent easement of twenty feet (20'), total width for any main line. Any request by a property owner of a permanent easement less than twenty feet (20') shall be dealt with on a case by case basis. There shall, in no circumstance, be a permanent easement less than fifteen feet (15') total width for any main line. (Ord. #10-29, Nov. 2010)

[1]Appendix A regarding rate recommendations (and any amendments) is available in the office of the town recorder.

CHAPTER 2

GENERAL WASTEWATER REGULATIONS

SECTION

18-201. Purpose and policy.
18-202. Administrative
18-203. Definitions.
18-204. Proper waste disposal required.
18-205. Private domestic wastewater disposal.
18-206. Connection to public sewers.
18-207. Septic tank effluent pump or grinder pump wastewater systems.
18-208. Regulation of holding tank waste disposal or trucked in waste.
18-209. Discharge regulations.
18-210. Enforcement and abatement.

18-201. Purpose and policy. This chapter sets forth uniform requirements for users of the Town of Monteagle, Tennessee, wastewater treatment system and enables the town to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

(1) To protect public health,

(2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;

(3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;

(4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(5) To promote reuse and recycling of industrial wastewater and sludge from the facility;

(6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and

(7) To enable the town to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge and biosolid use and disposal requirement, and any other Federal or State industrial pretreatment rules to which the facility is subject.

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

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

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

18-202. Administrative. Except as otherwise provided herein, the local administrative officer of the town shall administer, implement, and enforce the provisions of this chapter.

18-203. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

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

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

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

(a) If the user is a corporation:

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

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

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

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

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

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-209. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

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

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

(9) "City/town." The Board of Mayor and Aldermen, Town of Monteagle, Tennessee.

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

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

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

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

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

(15) "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.

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

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

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

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

(20) "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.

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

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

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

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

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

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

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

(28) "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).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(43) "Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

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

(45) "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

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

(47) "Pretreatment standards or standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

(48) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C.§ 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See WWF, Wastewater Facility, found in definition number (63), below.

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

(50) "Significant industrial user." The term significant industrial user means:

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

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

(51) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-205(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

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

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90)

day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight times in four hours.

(52) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

(53) "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.

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

(55) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(56) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(57) "Superintendent." The local administrative officer or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(58) "Surcharge." An additional fee assessed to a user who discharges compatible pollutants at concentrations above the established surcharge limits. Surcharge limits are the level at which the permit holder will be billed higher rates to offset the cost of treating wastewater which exceeds the surcharge limits. Exceeding a surcharge limit but not a monthly average or daily maximum limit will not result in enforcement action.

(59) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(60) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(61) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(62) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, Tennessee Code Annotated, § 68-221-201.

(63) "Wastewater." The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

(64) "Wastewater facility" Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or Publicly Owned Treatment Works.

(65) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

(65) "1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements.

18-204. Proper waste disposal required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the town, any human or animal excrement, garbage, or other objectionable waste.

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

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

(4) Except as provided in (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available property owners shall

within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) Discharging into the sanitary sewer without permission of the town is strictly prohibited and is deemed "theft of service."

(6) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-205.

(7) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(8) Users have a duty to comply with the provisions of this ordinance in order for the town to fulfill the stated policy and purpose. Significant Industrial users must comply with the provisions of this ordinance and applicable state and federal rules according to the nature of the industrial discharge.

18-205. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-204(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the town to do so.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department. The application for such approval shall be made on a form furnished by the county health department which the applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

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

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department.

18-206. Connection to public sewers. (1) Application for service.

(a) There shall be two (2) classifications of service:

(i) Residential; and

(ii) Service to commercial, industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a special form furnished by the town. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this ordinance. Service connection fees for establishing new sewer service are paid to the town. Industrial user discharge permit fees may also apply. The receipt by the town of a prospective customer's application for connection shall not obligate the town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the town's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service.

(b) Users shall notify the town of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The town may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective day of this ordinance. The owners of any building sewer having such connections, leaks or

defects shall bear all of the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The town shall make all connections to the public sewer upon the property owner first submitting a connection application to the town.

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

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The town will inspect the installation prior to backfilling and make the connection to the public sewer.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner including all service and connection fees. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where property is subdivided and buildings use a common building sewer are now located on separate properties, the building sewers must be separated within sixty (60) days.

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

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

(i) The minimum size of a building sewer shall be as follows: Conventional sewer system four inches (4").

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

(iii) Building sewers shall be laid on the following grades: four inch (4") sewers - one-eighth inch (1/8") per foot.

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') feet per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe Schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, as it crosses the property line and one at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4"). Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only by the town and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved pump system according to § 18-207 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and

materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

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

(h) Inspection of connections.

(i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

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

(4) Maintenance of building sewers. (a) Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the town. Owners failing to maintain or repair building sewers or who allow stormwater or ground water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service.

(b) The town may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

(c) The point of division between the building sewer and the town owned sewer tap or service connection shall be at the property line, right-of-way line, property line sewer cleanout, or such point in this general area as identified by the superintendent. The town owned tap or service line connection cannot extend onto private property except that minimal distance to the edge of rights-of-way, easements, or that distance necessary to cross other town utility lines and provide a location unencumbered by other underground town utilities where the user can make a connection to the building sewer without risk of damage to those other town utilities.

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the town. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at http://www.state.tn.us/environment/wpc/publications/. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the town. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

18-207. Septic tank effluent pump or grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the town.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the town.

(b) Pumps must be approved by the town and shall be maintained by the town.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the town. Installation shall follow design criteria for STEP and GP systems as provided by the superintendent.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the town and connection will be made to the town sewer only after inspection and approval of the town.

(4) Ownership and easements. Homeowners or developers shall provide the town with ownership of the equipment and an easement for access to perform necessary maintenance or repair. Access by the town to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the superintendent.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the STEP and GP tank.

(d) Prohibited uses of the STEP and GP system.

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the town. However, pumping required more frequently than once every five years shall be billed to the homeowner.

(7) Additional charges. The town shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for similar problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call including but not limited to transportation, labor, materials, excavation, subcontractors, engineering fees, cleanup expenses, and other expenses related to the service call. In addition if the town receives regulatory fines related to equipment failure and sewage overflows all such fines will be passed on to the user.

18-208. Regulation of holding tank waste disposal or trucked in waste. (1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the town to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the town to be set as specified in § 18-207 of this ordinance. Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his discretion where it appears that the waste could interfere with the operation of the WWF.

(4) Revocation of permit. Failure to comply with all the provisions of the permit or this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of Monteagle.

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the superintendent. This approval may require testing, flow monitoring and record keeping.

18-209. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section or other pretreatment standard may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of §§ 18-210 and 18-205. A user may not contribute the following substances to any WWF:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Celsius (60° C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and other flammable substances.

(b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds forty degrees Celsius (40°) C (one hundred four degrees Fahrenheit (104° F)) unless approved by the State of Tennessee.

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in non compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or

disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

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

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

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

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

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

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

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

(2) Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to chapter 2 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass through contamination.

(3) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Table A Plant Protection Criteria, unless specifically allowed by their discharge permit according to chapter 2 of this ordinance. Dilution of any wastewater discharge

for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A Plant Protection Criteria

Parameter	Maximum Concentration (mg/l)
Arsenic	
Benzene	
Cadmium	
Carbon Tetrachloride	
Chloroform	
Chromium (total)	
Copper	
Cyanide	
Ethybenzene	
Lead	
Mercury	
Methylene chloride	
Molybdenum	
Naphthalene	
Nickel	
Phenol	
Selenium	
Silver	
Tetrachloroethylene	
Toluene	
Total Phthalate	
Trichlorethlene	
1,1,1-Trichloroethane	
1,2 Transdichloroethylene	
Zinc	

(4) Fats, oils and grease traps and interceptors. (a) Fats, Oils, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) Service and maintain the equipment in order to prevent impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plant, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance

with the Tennessee Department of Environment and Conservation engineering standards or applicable town guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the town is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the town. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the town has under this chapter, or state or federal law. The town retains the right to inspect and approve installation of control equipment.

(f) Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the town is prohibited.

(g) The superintendent may use industrial wastewater discharge permits under §18-202 to regulate the discharge of fat, oil and grease.

18-210. <u>Enforcement and abatement</u>. Violators of these wastewater regulations may be cited to town court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the town may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to chapter 2. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The town may take any or all the following remedies:

(1) Cite the user to town or general sessions court, where each day of violation shall constitute a separate offense.

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, including if applicable legal costs, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system.

CHAPTER 3

INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS

SECTION

18-301. Industrial pretreatment.
18-302. Discharge permits.
18-303. Industrial user additional requirements.
18-304. Reporting requirements.
18-305. Enforcement response plan.
18-306. Enforcement response guide table.
18-307. Fees and billing.
18-308. Validity.

18-301. Industrial pretreatment. In order to comply with Federal Industrial Pretreatment Rules 40 CFR 403 and Tennessee Pretreatment Rules 1200-4-14 and to fulfill the purpose and policy of this ordinance the following regulations are adopted.

(1) User discharge restrictions. All system users must follow the General and Specific discharge regulations specified in § 18-309 of this ordinance.

(2) Users wishing to discharge pollutants at higher concentrations than Table A Plant Protection Criteria of § 18-309, or those dischargers who are classified as Significant Industrial Users will be required to meet the requirements of this chapter. Users who discharge waste which falls under the criteria specified in this chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in § 18-305.

(3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.

(4) Discharge permits shall limit concentrations of discharge pollutants to those levels that are established as local limits, Table B or other applicable state and federal pretreatment rules which may be in effect or take effect after the passage of this ordinance.

Table B - Local Limits

Pollutant	Monthly Maximum (mg/l)	Average* Concentration	Daily Maximum Concentration (mg/l)
Arsenic			
Benzene			
Cadmium			
Carbon Tetrachloride			
Chloroform			
Chromium (total)			
Copper			
Cyanide			
Ethybenzene			
Lead			
Mercury			
Methylene chloride			
Molybdenum			
Napthalene			
Nickel			
Phenol			
Selenium			
Silver			
Tetrachloroethylene			
Toluene			
Total Phthalate			
Trichlorethlene			
1,1,1-Trichoroethane			
1,2 Transdichloroethylene			
Zinc			

*Based on twenty-four (24) hour flow proportional composite samples unless specified otherwise.

(5) Surcharge threshold and maximum concentrations. Dischargers of high strength waste may be subject to surcharges based on the following surcharge thresholds. Maximum concentrations may also be established for some users.

Table C-Surcharge and Maximum Limits

Parameter	Surcharge Threshold	Maximum Concentration
Total Kjeldahl Nitrogen (TKN)		
Oil and grease		
MBAS		
BOD		
COD		
Suspended solids		

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in Table A Plant Protection Criteria. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by Table A or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator 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 local limits, best management practices, or other criteria used to protect the WWF. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the WWF 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 WWF.

(7) User inventory. The superintendent will maintain an up-to-date inventory of users whose waste does or may fall into the requirements of this chapter, and will notify the users of their status.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF 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 Environment and Conservation and/or the United States Environmental Protection Agency.

(9) Combined wastestream formula. When wastewater subject to categorical pretreatment standards is mixed with wastewater not regulated by the same standard, the permitting authority may impose an alternate limit using the combined wastestream formula.

18-302. Discharge permits. (1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the town sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-306 of this ordinance and an inspection has been performed by the superintendent or his representative.

The receipt by the town of a prospective customer's application for connection shall not obligate the town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the 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.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within one hundred eighty (180) days after the effective date of this chapter.

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

(i) Users required by the superintendent to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator, an application on a prescribed form accompanied by the appropriate fee.

(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/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in §§ 18-309 and 18-301 discharge variations daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details

showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(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 pretreatment coordinator for approval. 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 operations and maintenance 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 this chapter.

(iv) 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.

(v) 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.

(vi) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator 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 local administrative officer, the local administrative officer shall

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

(vii) Applications shall be signed by the duly authorized representative.

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

(i) Permits shall contain the following:

(A) Statement of duration;

(B) Provisions of transfer;

(C) Effluent limits, including best management practices, based on applicable pretreatment standards in this chapter, state rules, categorical pretreatment standards, local, state, and federal laws.

(D) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;

(F) Requirements to control slug discharges, if determined by the WWF to be necessary;

(G) Requirement to notify the WWF immediately if changes in the users processes affect the potential for a slug discharge.

(ii) Additionally, permits may contain the following:

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

(B) Requirements for installation and maintenance of inspection and sampling facilities;

(C) Compliance schedules;

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

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

(F) Requirements for notification of the town sixty (60) days prior to implementing any substantial change in

the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;

(G) Prohibition of bypassing pretreatment or pretreatment equipment;

(H) Effluent mass loading restrictions;

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

(d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator 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 sixty (60) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) 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 user shall apply for permit renewal a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior written approval of the local administrative officer. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current 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:

(A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(B) Strength, volume, or timing of discharges;

(C) Addition or change in process lines generating wastewater.

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

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the 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 pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user.

18-303. Industrial user additional requirements. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator.

When in the judgment of the pretreatment coordinator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the pretreatment coordinator may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on

the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 CFR 136 and appropriate EPA guidance. Multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenol, and sulfide the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(3) Representative sampling and housekeeping. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measuring facilities shall be properly operated, kept clean, and in good working order at all times. The failure of the user to keep its monitoring facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper operation and maintenance includes adequate process control as well as adequate testing and monitoring quality assurance.

(5) Inspection and sampling. The town may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of its 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. The town will utilize qualified town personnel or a private laboratory to conduct compliance monitoring. 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.

(6) Safety. While performing the necessary work on private properties, the pretreatment coordinator 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.

(7) New sources. New sources of discharges to the WWF shall have in full operation all pollution control equipment at start up of the industrial process and be in full compliance of effluent standards within ninety (90) days of start up of the industrial process.

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance

(9) Accidental discharges or slug discharges. (a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental or slug discharge into the WWF of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator 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 or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the WWF, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the WWF, 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.

18-304. Reporting requirements. Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under section 205.

(1) Baseline monitoring report. (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the superintendent a report which contains the information listed in subsection (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the superintendent a report which contains the information listed in subsection (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(i) Identifying information. The user name, address of the facility including the name of operators and owners.

(ii) Permit information. A listing of any environmental control permits held by or for the facility.

(iii) Description of operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per

day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(v) Measurement of pollutants.

(A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(E) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(F) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards

(G) Sampling and analysis shall be performed in accordance with 40 CFR 136 or other approved methods;

(H) The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(I) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is

representative of normal work cycles and expected pollutant discharges to the WWF.

(c) Compliance certification. A statement, reviewed by the user's duly authorized representative and certified by a qualified professional, indicating whether 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 to meet the Pretreatment Standards and Requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-304(2) of this ordinance.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-304(14) of this ordinance and signed by the duly authorized representative.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-304(1)(d) of this ordinance:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation)

(b) No increment referred to above shall exceed nine (9) months,

(c) The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule,

(d) In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in

§18-304(1)(b)(iv) and (v) of this ordinance. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14) of this section. All sampling will be done in conformance with subsection (11).

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the superintendent submit no less than twice per year (April 10 and October 10) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this ordinance.

(c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent, using the procedures prescribed in subsection (11) of this section, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

(a) The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-301 of this chapter.

(b) The superintendent may issue an individual wastewater discharge permit under § 18-302 of this chapter or modify an existing wastewater discharge permit under § 18-302 of this chapter in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a

nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the superintendent as the superintendent may require to determine users status as non-permitted.

(8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within thirty (30) days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation, the user must notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the town performs sampling at the user's facility at least once a month, or if the town performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the town receives the results of this sampling, or if the town has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous

waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-304(5) of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self monitoring requirements of § 18-304(1), (3), and (4) of this chapter.

(b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued there under, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the superintendent or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the superintendent. Where time proportional composite sampling or grab sampling is authorized by the town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in subsections (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect

the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under §18-302. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the superintendent.

(14) Certification statements. Signature and certification. All reports associated with compliance with the pretreatment program shall be signed by the duly authorized representative and shall have the following certification statement attached:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Reports required to have signatures and certification statement include, permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements.

18-305. Enforcement response plan.Under the authority of Tennessee Code Annotated, § 69-3-123 et. seq.

(1) Complaints; notification of violation; orders. (a)(i) Whenever the local administrative officer has reason to believe that a violation of any provision of the Monteagle Wastewater Regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in §18-305(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in Tennessee Code Annotated, 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the town or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the town to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one of the following orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come

into compliance within a specified time. If the user does not come into compliance within the specified time, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

(2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take any emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for

actual costs incurred by the town in meeting the emergency.

(ii) Appeals from orders of the local administrative officer.

(A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(c) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following, Under the authority of Tennessee Code Annotated, § 69-3-124:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subsection (a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Grundy County has jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (b).

(viii) Any person to whom an emergency order is directed under § 18-305(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, et seq. within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the

action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations, administrative civil penalty. Under the authority of Tennessee Code Annotated, § 69-3-125.

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars ($10,000.00) per day for each day during which the act or omission continues or occurs:

(A) Unauthorized discharge, discharging without a permit;

(B) Violates an effluent standard or limitation;

(C) Violates the terms or conditions of a permit;

(D) Fails to complete a filing requirement;

(E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(F) Fails to pay user or cost recovery charges; or

(G) Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any administrative civil penalty must be assessed in the following manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the

local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars ($10,000.00) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders. Under the authority of Tennessee Code Annotated, § 69-3-126.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the town resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. Under the authority of Tennessee Code Annotated, § 69-3-127. The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in §18-302(2)(g) of this chapter, users are subject to termination of their wastewater discharge for violations of a wastewater discharge permits, or orders issued hereunder, or for any of the following conditions:

(a) Violation of wastewater discharge permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

(e) Violation of the pretreatment standards in the general discharge prohibitions in § 18-309.

(f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund.

(8) Levels of non-compliance. (a) Insignificant non-compliance: For the purpose of this guide, insignificant non-compliance is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to informally with a phone call or site visit but may include a Notice of Violation (NOV).

(b) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(iii) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the

environment or has resulted in the WWF's exercise of its emergency authority under § 18-305(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

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

(vi) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation of implementation of the local pretreatment program.

(ix) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A).

(9) Public Notice of the significant violations. The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (C), (D) or (H) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

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

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

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to accurately report noncompliance; or

(g) Any other violation(s), which may include a violation of best management practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(h) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(10) Criminal penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States.

18-306. Enforcement response guide table.(1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of this ordinance.

(2) Enforcement response guide table. The applicable officer shall use the schedule found in Appendix A[1] to impose sanctions or penalties for the violation of this ordinance.

18-307. Fees and billing.(1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users 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.

---

[1]Appendix A, Enforcement Response Guide Response Table, is available in the office of the recorder.

(2) Types of charges and fees. The charges and fees as established in the town's schedule of charges and fees may include but are not limited to:

(a) Inspection fee and tapping fee;
(b) Fees for applications for discharge;
(c) Sewer use charges;
(d) Surcharge fees (see Table C);
(e) Waste hauler permit;
(f) Industrial wastewater discharge permit fees;
(g) Fees for industrial discharge monitoring; and
(h) Other fees as the town may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-302 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.

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

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-307 of this chapter.

(7) 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.

(8) Administrative civil penalties. Administrative civil penalties shall be issued according to the following schedule. Violation are categorized in the Enforcement Response Guide Table (Appendix A). The local administrative officer may access a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

Category 1	No penalty
Category 2	$50.00-$500.00
Category 3	$500.00-$1,000.00
Category 4	$1,000.00-$5,000.00
Category 5	$5,000.00-$10,000.00

18-308. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the town.

CHAPTER 4

CROSS-CONNECTION CONTROL ORDINANCE[1]

SECTION

18-401. Definitions.
18-402. Standards.
18-403. Construction, operation, and supervision.
18-404. Inspections required.
18-405. Right of entry for inspections.
18-406. Correction of existing violations.
18-407. Use of backflow assemblies.
18-408. Testing and repairs.
18-409. Non-potable water to be labeled.
18-410. Violation and penalty.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this ordinance.

(1) "Air gap." An air gap separation between the free flowing discharge end of a potable water supply line and an open or non-pressurized receiving vessel.

(2) "Approved." Any condition, method, device, procedure accepted by the Tennessee Department of Environment and Conservation, Division of Water Supply, and Water Provider.

(3) "Approved air gap." An air gap separation with a minimum distance of at least twice the diameter of the supply line when measured vertically above the overflow rim of the vessel, but in no case less than one inch (1").

(4) "Auxiliary intake." Any piping connection or other device whereby water may be secured from any sources other than the public water system.

(5) "Backflow." The reversal of the intended direction of flow of water or mixtures of water and other liquids, gasses, or other substances into the distribution pipes of a potable water system from any source.

(6) "Backflow prevention assembly." An approved assembly designed to prevent backflow.

(7) "Backpressure." A pressure in the downstream piping that is higher than the system pressure.

---

[1]Municipal code references
Plumbing code: title 12.
Water and sewer system administration: this title, chapter 1.
Wastewater treatment: this title, chapter 2.

(8) "Backsiphonage." Negative or sub-atmospheric pressure in the supply piping.

(9) "Bypass." Any system of piping or other arrangement whereby water may be diverted around a backflow prevention assembly, meter, or any other public water system controlled device.

(10) "Contaminant." Any substance introduced into the public water system that will cause illness or death.

(11) "Contamination." The introduction or admission of any foreign substance that causes illness or death.

(12) "Cross-connection." Any physical arrangement whereby public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains, or may contain, contaminated water, or other waste or liquid of unknown or unsafe quality which may be capable of contaminating the public water supply as a result of backflow caused by the manipulation of valves, because of ineffective check valves or backpressure valves or because of any other arrangement.

(13) "Cross-connection control coordinator/manager." The person who is vested with the authority and responsibility for the implementation of the cross-connection control program and for the provision of this ordinance/policy.

(14) "Direct cross-connection." An actual or potential cross-connection subject to backsiphonage and backpressure.

(15) "Double check detector valve assembly." A specially designed assembly composed of line size approved double check valve assembly, with a bypass containing a water meter and approved double check valve assembly specifically designed for such application. The meter shall register accurately for very low rates of flow up to three (3) gallons per minute and shall show a registration for all rates of flow. This assembly shall only be used to protect against non-health hazards and is designed primarily for use on fire sprinkler systems.

(16) "Double check valve assembly." An assembly of two (2) internally loaded check valves, either spring loaded or internally weighted, installed as a unit between tightly closing resilient seated shutoff valves and fitted with properly located resilient seated test cocks. This type of device shall only be used to protect against non-health hazard pollutants.

(17) "Failed." The status of a backflow prevention assembly determined by a performance evaluation based on the failure to meet all minimums set forth by the approved testing procedure.

(18) "Fire system classification protection." The classes of fire protection systems, as designated by the American Water Works Association "M14" for cross-connection control purposes based on water supply source and the arrangement of supplies, are as follows:

Class 1: Direct connection to the public water main only; non pumps; tanks; or reservoirs; no physical connection from other water

supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry well or other safe outlets.

Class 2: Same as Class 1, except booster pumps may be installed in connection from the street mains.

Class 3: Direct connection to public water supply mains in addition to any one (1) or more of the following: elevated storage tanks; fire pumps taking suction from above ground covered reservoirs or tanks; and pressure tanks.

Class 4: Directly supplied from public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to premises, such as an auxiliary supply located within one thousand seven-hundred feet (1,700') of pumper connection.

Class 5: Directly supplied from public water supply mains and an interconnection with auxiliary supplies such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells or industrial water systems; where antifreeze or other additives are used.

Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(19) "Hazard, degree of." A term derived from evaluation of the potential risk to public health and the adverse effect of the hazard upon the public water system.

(20) "Hazard, health." A cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease. Also known as "high hazard."

(21) "Hazard, non-health." A cross-connection or potential cross-connection involving any substance that would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water supply. Also known as "low hazard."

(22) "Indirect cross-connection." An actual or potential cross-connection subject to backsiphonage only.

(23) "Industrial fluid." Any fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration that could constitute a health, system, pollution, or plumbing hazard if introduced into the public water supply. This shall include, but is not limited to: polluted or contaminated water; all type of process water or used water originating from the public water system and that may have deteriorated in a sanitary quality; chemicals; plating acids and alkalis; circulating cooling water connected to an open cooling tower; cooling towers that are chemically or biologically treated or stabilized with toxic substance; contaminated natural water systems; oil, gases, glycerin, paraffin, caustic, and acid solutions, and other liquids or gases used in industrial processes, or for fire purposes.

(24) "Inspection." An on-site evaluation of an establishment to determine if backflow prevention assemblies are needed by the customer to protect the public water system from actual or potential cross-connections.

(25) "Interconnection." Any system of piping or other arrangement whereby a public water supply is connected directly with a sewer, drain, conduit, or other device, which does, or may carry sewage or not.

(26) "Passed." The status of a backflow prevention assembly determined by a performance evaluation in which the assembly meets all minimums set forth by the approved testing procedure.

(27) "Performance evaluation." An evaluation of and approved double check valve assembly or reduced pressure principle assembly (including approved detector assemblies) using the latest procedures in determining the status of the assembly.

(28) "Pollutant." A substance in the public water system that would constitute a non-health hazard and would be aesthetically objectionable if introduced into the public water supply.

(29) "Pollution." The presence of a pollutant or substance in the public water system that degrades its quality so as to constitute a non-health hazard.

(30) "Potable water." Water that is safe for human consumption as prescribed by the Tennessee Department of Environment and Conservation, Division of Water Supply.

(31) "Pressure vacuum breaker assembly." An assembly consisting of one (1) or two (2) independently operating spring loaded check valve(s) and an independently operating, mechanically dependent, pressure differential relief valve located between the check valves and below the first check valve. These units shall be located between two (2) tightly closing resilient seated shutoff valves as an assembly and equipped with properly located resilient seated test cocks.

(32) "Reduced pressure principle assembly." An assembly consisting of two (2) independently acting approved check valves together with hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and below the first check valve. These units shall be located between two (2) tightly closing resilient seated shutoff valves as an assembly and equipped with properly located resilient seated test cocks.

(33) "Reduced pressure principle detector assembly." A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a bypass containing a water meter and approved reduced pressure principle backflow prevention assembly specifically designed for such application. The meter shall register accurately for very low flow rates of flows up to three (3) gallons per minute and shall show registration for all flow rates. This assembly shall be used to protect against non-health and health hazards and used for internal protection.

(34) "Service connection." The point of delivery to the customer's water system; the terminal end of a service connection from the public water system

where the water department loses jurisdiction and control over the water. "Service connection" shall include connection to the fire hydrants and all other temporary or emergency water service connections made to the public water system.

(35) "State." The State of Tennessee, Tennessee Department of Environment and Conservation, Division of Water Supply.

(36) "Survey." An evaluation of a premise by a water system performed for the determination of actual or potential cross-connection hazards and the appropriate backflow prevention needed.

(37) "Water system." The water system operated, whether located inside or outside, the corporate limits thereof, shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the production, treatment, storage, and distribution of water, and shall include all those facilities of the water system under the complete control of the water department, up to the point where the customer's system begins (i.e., downstream of the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying water to the point of use. (Ord. #05-11, Sept. 2011)

18-402. Standards. The Town of Monteagle shall comply with Tennessee Code Annotated, § 68-221-101, et seq., and §§ 68-221-701 through 68-221-720 and § 68-221-711, as well as rules and regulations for establishing an ongoing program to control these undesirable water uses, as well as the Federal Safe Drinking Water Act and regulations.

The Town of Monteagle will regulate the laws and regulations as previously stated to all customers of the water system. (Ord. #05-11, Sept. 2011)

18-403. Construction, operation and supervision. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, bypass, or interconnection to be made; or allow one to exist for any purpose whatsoever. Any person whose premises are supplied with water from the public water supply, and whose premises also have a separate source of water, notify the public water department for inspection to insure no actual or potential cross-connection exists. (Ord. #05-11, Sept. 2011)

18-404. Inspection required. It shall be the duty of the Monteagle Public Utility Department to inspect any and/or all facilities connected to the public water supply to insure compliance with this chapter. (Ord. #05-11, Sept. 2011)

18-405. Right of entry for inspections. The board of mayor and aldermen, or their authorized representative shall have the right to enter, with reasonable notice, any customer's property and premises served by the public water supply for the purpose of inspecting the piping system or systems thereof for cross-connections. The water department may request the owner, lessee or occupant of any property connected to the public water system to supply information regarding the piping system/systems. Failure to supply this information shall be deemed evidence of the presence of a cross-connection and further action will result. (Ord. #05-11, Sept. 2011)

18-406. Correction of existing violations. Any premises found to have an existing cross-connection, auxiliary intake, bypass, interconnection, etc. will be in violation of this chapter. The board of mayor and aldermen or their authorized representative will work with the violator and issue guidance and a time for the resolve of the problem. In no instance will the time exceed thirty (30) days. (Ord. #05-11, Sept. 2011)

18-407. Use of backflow assemblies. (1) The Monteagle Water Department will follow the state with current approved backflow assemblies as deemed necessary by the representative of the water department.

(2) The Monteagle Water Department representative will provide backflow prevention assembly installation guidelines that must be met to comply with this chapter. The cost of the installation, maintenance, testing and repair of backflow assemblies will be the responsibility of the owner, lessee or occupant.

(3) The Monteagle Water Department representative will evaluate current backflow prevention assembly installations and offer guidance, that must be met, to comply with this chapter. The cost of the installation, maintenance, testing and repair of backflow assemblies will be the responsibility of the owner, lessee or occupant.

(4) The board of mayor and aldermen shall require the owner, lessee or occupant, at their expense, of the premises insure their backflow device/devices are working properly and the Monteagle Water Department must receive copies of their test reports for each backflow device. The test reports must be received in Monteagle Town Hall not later than June 15 of each year. For the year 2011 only, this documentation must be received in Monteagle Town Hall not later than October 24. The testing requirement is within a twelve (12) month period for each backflow device. (Ord. #05-11, Sept. 2011)

18-408. Testing and repairs. The testing and any needed repairs shall be done by qualified personnel with calibrated equipment and approved by the Monteagle Water Department. All cost of testing and/or needed repairs will be the responsibility of the owner, lessee or occupant. Results of an annual test

conducted by a qualified company must be submitted to the town every twelve (12) months. (Ord. #05-11, Sept. 2011, modified)

18-409. Non-potable water to be labeled. The Monteagle Water Department will assist any owner, lessee, or occupant with guidance for labeling of any non-potable water that exists on their premises. All cost of labeling will be the responsibility of the owner, lessee or occupant. (Ord. #05-11, Sept. 2011)

18-410. Violation and penalty. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be assessed a civil penalty of one hundred dollars ($100.00) charged to their utility account and each day of continued violation shall constitute a separate offense. In addition to the foregoing penalty, the Monteagle Water Department shall discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary intake, bypass, interconnection or any potential for contamination of the public water supply. Service will not be re-connected until such cross-connection, auxiliary intake, bypass, interconnection or any potential for contamination of the public water supply has been eliminated. (Ord. #05-11, Sept. 2011)

CHAPTER 5

FATS, OILS AND GREASE (FOG) ORDINANCE

SECTION

18-501. Purpose.
18-502. Definitions.
18-503. Control plan and permitting for FOG and food waste.
18-504. Installation.
18-505. Design criteria.
18-506. Grease trap maintenance.
18-507. Additives.
18-508. Chemical treatment.
18-509. Sand, soil, and oil interceptors.
18-510. Laundries.
18-511. Control equipment.
18-512. Violation and penalty.

18-501. Purpose. The purpose of this ordinance is to control discharges into the public sewerage collection system and wastewater plant that interferes with the operation of the system, cause blockage and plugging of pipelines, interfere with normal operation of grinder and lift station pumps, transfer pumps, and their controls, and contribute waste of a strength or form that either causes transmission line or treatment difficulties or is beyond the treatment capability of the wastewater treatment plant. (Ord. #06-11, Nov. 2011)

18-502. Definitions. (1) "Food service facilities." Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling, (all methods) boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, and any other sewer users as determined by the Town of Monteagle's utility director, or his/her representative.

(2) "Grease." Material composed primarily of Fats, Oil, and Grease (FOG) from animal or vegetable sources. The terms fats, oils, and grease shall be deemed as "grease" by definition. Grease does not include petroleum-based products. Petroleum-based products are strictly prohibited.

(3) "Grease trap." A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and

entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

(4) "Oil/water separator." An approved and industry standard system that is specifically designed and manufactured to separate FOG from water. The system shall allow the FOG to be removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only FOG separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required to allow a proper review of the device. These devices must have the approval by the Town of Monteagle's utility director or his/her representative.

(5) "User." Any person or establishment, including those located within the Monteagle Public Utility Board's district, which contributes, causes, or permits the contribution or discharge of wastewater into the town's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater or mobile food service units. (Ord. #06-11, Nov. 2011)

18-503. Control plan and permitting for FOG and food waste.

(1) Any new construction, renovation, or expansion of food service facilities shall be required to submit to the town a FOG and waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. New establishments shall file for a permit application, which will include a control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing businesses not having a collection device will not be exempt "or grandfathered" and will need to install a collection device and be required to file a plan to receive a permit to discharge into the wastewater collection system.

(2) For all food service facilities in operation to December 31, 2011, alternative methods or devices will be considered and if technology is supported by proven techniques, the utility director may grant a permit for the installation of such method or device. (Ord. #06-11, Nov. 2011)

18-504. Installation. (1) Installation requirements. All existing, proposed, or newly remodeled food service facilities inside the Town of Monteagle wastewater service area shall be required to install, at the user's expense an approved, and properly operated and maintained grease trap. For all food service facilities in operation prior to December 31, 2011, alternative methods or devices will be considered and if technology is supported by proven techniques, the utility director may grant a permit for the installation of such method or device.

(2) Sanitary sewer flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. will not be discharged into the grease trap. These flows will be

conveyed separately to the sanitary sewer service lines. Alternative methods or devices will only be considered for existing food service facilities prior to December 31, 2011, for discharge of sanitary waste and grease in the same line if the method is approved by the utility director.

(3) Floor drains. Only floor drains that discharge or have the potential to discharge grease will be connected to a grease trap.

(4) Garbage grinders/disposers. It is recommended that solid waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

(5) Dishwashers. Commercial dishwashers must be connected to the grease traps or methods, or devices approved by the utility director. Dishwashers discharge soap and hot water that can melt grease and allow it to pass through an undersized grease trap. Traps will be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the traps, methods, or devices approved by the utility director.

(6) Location. Grease traps shall be installed outside the building upstream from the sanitary sewer service line connection. This will allow for easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without approval of the utility department.

(7) Pass through limits. No user will allow wastewater discharge concentration from grease traps to exceed one hundred milligrams per liter (100 mg/L) as identified by EPA method 413.

(8) The customer is responsible for all cleaning/pumping of grease traps, methods, or devices and frequency of such. The grease traps, methods, or devices may require more frequent maintenance if certain traps, methods, or devices are used. (Ord. #06-11, Nov. 2011)

18-505. Design criteria. (1) Construction. Grease traps should be constructed in accordance with accepted standards for grease traps. They shall have a minimum of two (2) compartments with fittings designed for grease retention. All grease removal from the traps shall be based on demonstrated efficiencies of the trap.

(2) Access. Access to grease traps or methods or devices approved by the utility director, or his/her representative shall be available at all times, to allow for their maintenance and inspection. Access to the traps or methods or devices shall be provided by two (2) manholes (or access ports) one (1) for each compartment terminated at finished grade with a suitable frame and cover.

(3) Load bearing capacity. In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (An example: vehicular traffic in a drive or parking area.)

(4) Inlet and outlet piping. Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one (1) inlet and one (1) outlet pipe.

(5) Grease trap sizing. The required size of the grease trap shall have a capacity calculated by the formula D x GL x l ^{2}1R/2 x LF. D= NUMBER OF SEATS IN THE DINING ROOM, GL = 5 GALLONS OF WASTE PER MEAL, HR= NUMBER OF HOURS RESTAURANT IS OPEN, LF =THE LOADING FACTOR (1.25 FOR AN INTERSTATE LOCATION) (1.0 FOR FREEWAY/HIGHWAY) (0.75 FOR A MAIN THROUGHFARE) (0.5 FOR OTHER HIGHWAYS). The formula would give a thirty-five (35) seat restaurant with five (5) gallons of waste per meal open for eleven (11) hours divided by two (2) with a loading factor of 0.5 restaurants on an other highway needing a grease trap of four hundred eighty one (481) gallons of interceptor size. The facility is to submit additional sizing and designs for approval. (Ord. #06-11, Nov. 2011)

18-506. Grease trap maintenance. (1) Cleaning/pumping. The facility at their expense shall maintain all grease traps to assure proper operation and efficiency to maintain compliance with the Town of Monteagle's pass through limits. Maintenance of the grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work should be done by a qualified and licensed waste hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for reducing the volume to be disposed of, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at the user's expense.

(2) Cleaning/pumping frequency. The grease trap must be pumped out completely a minimum of once every four (4) months, or more frequently as determined by business volume determines, to prevent a carryover of grease to the sanitary sewer system.

(3) Disposal. All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with state regulations. In no way should the pumpage be returned to any private or public portion of the town's sanitary sewer collection system. All pumpage from the grease traps should be receipted for by the hauler and the grease trap owner must keep a copy.

(4) Maintenance log. A grease trap cleaning/maintenance log indicating each pumping for the previous twenty-four (24) months shall be maintained by each grease trap owner. The log shall include the date, time, amount pumped, hauler, and disposal site and be kept in a conspicuous location for inspection. The log should be made available upon request of the town's representative.

(5) Submittal of records. Each user shall submit all cleaning and maintenance to the town's representative inspecting the facility. The

maintenance records shall include the facility name, address, contact person, and the person responsible for performing the maintenance, cleaning, pumping or repair of the grease trap. Types, if any, of maintenance performed and the dates performed, date of next scheduled maintenance, and copies of pumping manifests. The facility shall be required to submit these records to the town on a bi-annual basis (twice a year) on March 1 and September 1. The records should be sent to Utility Director, Monteagle Town Hall, P.O. Box 127, 16 Dixie Lee Hwy, Monteagle, TN 37356.

It is the Town of Monteagle's intent to perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or needed repairs. Upon written notification by the town, the user shall be required to perform the maintenance within fourteen (14) calendar days of receipt of notification. Upon inspection and at the user's expense, it may be required of the owner to install additional controls to provide a complete system that will not compromise the wastewater collection system. (Ord. #06-11, Nov. 2011)

18-507. Additives. Any biological additive placed into the grease trap or building discharge line including, but not limited to enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate Fats, Oils, and Grease (FOG) shall require written approval from the waste system operator prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required within this chapter. (Ord. #06-11, Nov. 2011)

18-508. Chemical treatment. Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap. (Ord. #06-11, Nov. 2011)

18-509. Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (determined by waste control personnel) that have sources of sand, soil, and oil shall install effective traps, interceptors, and oil/water separators. These systems shall be sized to effectively remove sand, oil, and soil at the expected flow rates. These systems shall be at the owner's expense and cleaned or pumped on a regular basis to prevent impact upon the wastewater collection system. Users with systems that are ineffective shall be asked to clean their traps on a more frequent basis or to increase their trap sizes. Owners of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system. Oil water separation devices shall be required at facilities that accumulate petroleum oils and greases and at all other facilities deemed necessary by the wastewater personnel. (Ord. #06-11, Nov. 2011)

18-510. Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater system) of solids one-half inch (1/2") or larger in size such as rags, strings, buttons, or other solids detrimental to the wastewater system. (Ord. #06-11, Nov. 2011)

18-511. Control equipment. The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed in accordance with the plumbing code, the Tennessee Department of Environment and Conservation guidelines, most current engineering standards, or other applicable guidelines approved by the wastewater system operators. Underground facilities must be sealed tightly to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection.

The owner and/or operator of the facility to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant shall maintain control equipment. If the Town of Monteagle is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack of any control equipment) the owner/operator shall be required to refund the labor equipment, materials, and any overhead costs to the Town of Monteagle including any fines incurred due to any sanitary sewer overflow due directly to the stoppage.

The Town of Monteagle reserves the right to inspect and approve all installation of control equipment. (Ord. #06-11, Nov. 2011)

18-512. Violation and penalty. Any person or entity that violates this ordinance in part or completely shall be found in civil violation punishable by the Town of Monteagle. Each day's violation of this ordinance will be considered a separate offense. Each offense will have a fifty dollar ($50.00) fine and court costs. Water will be disconnected immediately for all instances until the problem is remedied and all fines are paid. Verification of the remedy will be by a Town of Monteagle representative. (Ord. #06-11, Nov. 2011)

TITLE 19

ELECTRICITY AND GAS

CHAPTER
1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY

SECTION
19-101. To be furnished by Sequatchie Valley Electric.

19-101. To be furnished by Sequatchie Valley Electric. Electricity shall be provided to the Town of Monteagle and its inhabitants by the Sequatchie Valley Electric. The rights, powers, duties, and obligations of the Town of Monteagle and its inhabitants, are stated in the agreements between the parties.[1] (1989 Code, § 19-101)

[1]The Agreements are of record in the office of the town recorder.

CHAPTER 2

GAS[1]

SECTION

19-201. Application and scope.
19-202. Definitions.
19-203. Application and contract for service.
19-204. Service charges for temporary service.
19-205. Connection charges.
19-206. Gas main extensions.
19-207. Gas main extension variances.
19-208. Meter tampering and alteration prohibited.
19-209. Multiple services through a single meter.
19-210. Customer billing and payment policy.
19-211. Termination or refusal of service.
19-212. Termination of service by customer.
19-213. Access to customers' premises.
19-214. Inspections.
19-215. Customer's responsibility for system's property.
19-216. Customer's responsibility for violations.
19-217. Supply and resale of gas.
19-218. Unauthorized use of or interference with gas supply.
19-219. Damages to property due to gas pressure.
19-220. Liability for cutoff failures.
19-221. Restricted use of gas.
19-222. Interruption of service.
19-223. Schedule of rates.

19-201. Application and scope. The provisions of this chapter are a part of all contracts for receiving gas service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1989 Code, § 19-201)

19-202. Definitions. (1) "Customer" means any person, firm, or corporation who receives gas service from the town under either an express or implied contract.

(2) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(3) "Premise" means any structure or group of structures operated as

---

[1]Municipal code reference
Gas code adopted: title 12, chapter 4.

a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

(4) "Service line" shall consist of the pipe line extending from any gas main of the town 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 town's gas main to and including the meter. (1989 Code, § 19-202)

19-203. Application and contract for service. Each prospective customer desiring gas service will be required to sign a standard form contract and pay a service deposit as set from time to time by the board of mayor and aldermen before service is supplied. The service deposit shall be refundable if and only if the town cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish the service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the town 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 town to the applicant shall be limited to the return of any deposit made by such applicant. (1989 Code, § 19-203)

19-204. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for gas service. (1989 Code, § 19-204)

19-205. Connection charges. Service lines will be laid by the town from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town.

Before a new gas service line will be laid by the town, the applicant shall make a nonrefundable connection charge as set from time to time by the board of mayor and aldermen.

When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter shall belong to and be the responsibility of the customer. (1989 Code, § 19-205)

19-206. Gas main extensions. Persons desiring gas main extensions must pay all of the cost of making such extensions. All such extensions shall be installed either by municipal forces or by other forces working directly under the

supervision of the town 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 town, such gas mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate the mains as an integral part of the municipal gas system and shall furnish gas service therefrom in accordance with these rules and regulations. (1989 Code, § 19-206)

19-207. Gas main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a gas main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make gas main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (1989 Code, § 19-207)

19-208. Meter tampering and alteration prohibited. The following regulations will govern all gas meters:

(1) No person, firm, partnership, business, corporation, customer or any other entity shall tamper with, or in any way alter any pipeline, meter or other device used to record the flow of gas to any residence, business or other location.

(2) Any tampering or alteration of said pipeline, meter or device used to record the flow of gas, shall be presumed to be for the purpose of obtaining gas from the Monteagle Utility Board without payment, or at a reduced payment level.

(3) Only authorized personnel from the Monteagle Utility Board shall be allowed to attend to said pipelines, meters or recording devices, and only then upon official Monteagle Utility Board business. Any employee of the Monteagle Utitlity Board who alters, damages, or tampers with a pipeline, meter, or recording device outside the scope of his employment, or without authority shall be presumed to be so doing for the purpose of obtaining gas for someone or some entity at a reduced payment level or for no payment.

(4) Anyone who violates the provisions of this section shall be punished according to the general penalty provisions of this code and further shall have the gas service affected by the violation terminated by the Monteagle Utility Board. Any employee who violates subsection (3) above shall, in addition to a fine, be terminated from his/her employment with the Monteagle Utility Board. (1989 Code, § 19-208)

19-209. Multiple services through a single meter. No customer shall supply gas service to more than one (1) dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one (1) dwelling or premise to be served through a single service line and meter, the amount of gas used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The gas and charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of gas so allocated to it, such computation to be made at the town's applicable gas schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1989 Code, § 19-209)

19-210. Customer billing and payment policy. Gas bills shall be rendered monthly and shall designate a standard net payment period for all members as set from time to time by the board of mayor and aldermen after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. The board of mayor and aldermen shall establish for all members a late payment charge for any portion of the bill paid after the net payment period.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if gas is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available. (1989 Code, § 19-210)

19-211. Termination or refusal of service. (1) Basis of termination or refusal. The town shall have the right to discontinue gas service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

(a) These rules and regulations, including the nonpayment of bills.

(b) The customer's application for service.

(c) The customer's contract for service.

Such right to discontinue service shall apply to all gas services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(2) Termination of service by customer. Reasonable written notice shall be given to the customer before termination of gas service according to the following terms and conditions:

(a) Written notice of termination (cut-off) shall be given to the customer at least ten (10) days prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off and

(i) The amount due, including other charges.

(ii) The last date to avoid service termination.

(iii) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) In the case of termination for nonpayment of bill, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If a customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

(c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(d) Termination will not be made on any preceding day when the gas department is scheduled to be closed.

(e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the gas department, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made or the correction of the problem that resulted in the termination of service in a manner satisfactory to the gas department, plus the payment of a reconnection charge to be set from time to time by the board of mayor and aldermen. (1989 Code, § 19-211)

19-212. <u>Termination of service by customer</u>. 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 town 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 town 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 town should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town 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. (1989 Code, § 19-212)

19-213. Access to customers' premises. The town'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 town, and for inspecting customers' gas plumbing and premises generally in order to secure compliance with these rules and regulations. (1989 Code, § 19-213)

19-214. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or gas plumbing system before gas service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or gas plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1989 Code, § 19-214)

19-215. 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 town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1989 Code, § 19-215)

19-216. Customer's responsibility for violations. Where the town furnishes gas service to a customer, such customer shall be responsible for all

violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1989 Code, § 19-216)

19-217. Supply and resale of gas. All gas shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the gas or any part thereof except with written permission from the town. (1989 Code, § 19-217)

19-218. Unauthorized use of or interference with gas supply. No person shall turn on or turn off any of the town's gas, valves, or controls without permission or authority from the town. (1989 Code, § 19-218)

19-219. Damages to property due to gas pressure. The town shall not be liable to any customer for damages caused to his gas plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's gas mains. (1989 Code, § 19-219)

19-220. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for gas that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a gas service, the town has failed to cut off such service.

(2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that gas enters the customer's pipes from the town's main.

Except to the extent stated above, the town 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 town's cutoff. (1989 Code, § 19-220)

19-221. Restricted use of gas. In times of emergencies or in times of gas shortage, the town reserves the right to restrict the purposes for which gas may be used by a customer and the amount of gas which a customer may use. (1989 Code, § 19-221)

19-222. Interruption of service. The town will endeavor to furnish continuous gas service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal gas system, the gas supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town 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. (1989 Code, § 19-222)

19-223. Schedule of rates. All gas service shall be furnished under such rate schedules as the board of mayor and aldermen may from time to time adopt by appropriate ordinance or resolution.[1] (1989 Code, § 19-223)

[1]Administrative ordinances and regulations are of record in the office of the town recorder.

TITLE 20

[RESERVED FOR FUTURE USE]

ORDINANCE NO. 01-17

AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENTAL AND REPLACEMENT PAGES FOR THE MUNICIPAL CODE OF THE TOWN OF MONTEAGLE, TENNESSEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF MONTEAGLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The supplemental and replacement pages contained in this "supplemental revision" to the Town of Monteagle Municipal Code, hereinafter referred to as the "supplement," are incorporated by reference as if fully set out herein and are ordained and adopted as part of the Town of Monteagle Municipal Code.

This supplement incorporates the MTAS attorney review and additional revisions submitted by the Town of Monteagle. Code sections affected contain citations at the end of the code section.

Section 2. Continuation of existing provisions. Insofar as the provisions of the supplement are the same as those of ordinances existing and in force on its effective date, the provisions shall be considered to be continuations thereof and not as new enactments.

Section 3. Penalty clause. Unless otherwise specified, wherever in the supplement, including any codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punishable by a penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the supplement or the municipal code or other applicable law.[1]

Each day any violation of the supplement continues shall constitute a separate offense.

---

[1]State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated,§ 40-24-101 et seq.

Section 4. Severability clause. Each section, subsection, paragraph, sentence, and clause of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 5. Construction of conflicting provisions. Where any provision of the supplement is in conflict with any other provision of the supplement or municipal code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 6. Code available for public use. A copy of the supplement shall be kept available in the office of the recorder for public use and inspection at all reasonable times.

Section 7. Date of effect. This supplement, including all the codes and ordinances therein adopted by reference, shall take effect from and after final passage, the public welfare requiring it, and shall be effective on and after that date.

Passed 1st reading July 25, 2016.

Passed 2nd reading Aug. 29, 2016.

Mayor

Town Recorder

APPROVED AS TO FORM:

Town Attorney