THE

PULASKI

MUNICIPAL

CODE

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

CITY OF PULASKI, TENNESSEE

MAYOR

Pat Ford

ALDERMEN

Jerry Bryant Hardin Franklin Vicky Harwell Ricky Keith Randy Massey Pat Miles

CITY ADMINISTRATOR

Terry W. Harrison

PREFACE

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

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

By utilizing the table of contents and the analysis preceding each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should locate all the provisions in the code relating to any question that might arise. However, the user should note that most of the administrative ordinances (e.g. Annual Budget, Zoning Map Amendments, Tax Assessments, etc...) do not appear in the code. Likewise, ordinances that have been passed since the last update of the code do not appear here. Therefore, the user should refer to the 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 8 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 Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy G. Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini Codification Specialist

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

ARTICLE XIII

Ordinances

Section

- 1. Form.
- 2. Passage.
- 3. Amendments.
- 4. Publication.
- 5. Code of Ordinances.

Section 1. <u>Form.</u> <u>Be it further enacted</u>, That all City ordinances shall begin by an enacting clause as follows: "<u>Be it enacted by the Board of Mayor and Aldermen of Pulaski</u>," and shall, at the end of the ordinance, contain the provision: "this ordinance shall take effect from and after its passage, the public welfare requiring it," otherwise the same shall not take effect until twenty (20) days after its passage, unless another date is fixed therein. [As amended by Priv. Acts 1953, ch. 587, § 7]

Section 2. <u>Passage</u>. <u>Be it further enacted</u>, That all ordinances shall be read in open session of the Board on two different days before being placed on third and final reading, provided, however, any ordinance may be introduced, read twice, once in full and once by title, and passed on third and final reading by unanimous vote of all members of the Board at any meeting. In the event an ordinance is so passed, it will contain the following provision in the body thereof, immediately following the public welfare clause: "This ordinance was passed unanimously on three readings on this, the _______ day of 19__, the public good and welfare demanding that its passage not be postponed."

Section 3. <u>Amendments</u>. <u>Be it further enacted</u>, That all amendments to existing ordinances shall be in the form of new ordinances and shall be adopted in the same manner.

Section 4. <u>Publication</u>. <u>Be it further enacted</u>, That the Board may, by resolution, direct that any ordinance pending before the Board, or under consideration by it, be published in some newspaper circulated within the City, before taking final action thereon, and may, in like manner, direct the publication of any ordinance after its passage on third and final reading.

Section 5. <u>Code of Ordinances</u>. <u>Be it further enacted</u>, That the Board of Mayor and Aldermen shall draft and publish, within eight (8) months after the

effective date of this Act, a Code of the ordinances of the City of Pulaski. Thereafter, it shall become the duty of the City Attorney to keep said Code current by preparing and publishing the supplement provided for in Section 5 (7) of Article VIII. Thereafter at ten (10) year intervals a new Code shall be published. The publication of the original Code, the preparation and publication of the yearly supplements, and the subsequent adoption and publication of a Code at ten (10) year intervals, are made the mandatory duty of the Board of Mayor and Aldermen and failure to perform this duty shall be considered a violation of this Act and shall work a forfeiture of their office. The city attorney may use the services of the Municipal Technical Advisory Service or any other professional group that may be in existence and be approved by the Board of Mayor and Aldermen. [As amended by Priv. Acts 1976, ch. 253, § 14]

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

- 1. GOVERNING BODY.
- 2. MAYOR.
- 3. RECORDER.
- 4. DEPARTMENT MANAGERS.
- 5. DELETED.
- 6. PURCHASING AGENT.
- 7. DIRECTOR OF PUBLIC SAFETY.
- 8. DELETED.
- 9. CITY ADMINISTRATOR.

CHAPTER 1

GOVERNING BODY²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Compelling attendance of board meetings.
- 1-103. Order of business.
- 1-104. General rules of order.
- 1-105. [Deleted.].

1-101. <u>Time and place of regular meetings</u>. The regular meetings of the board of mayor and aldermen shall be held in the city council room located in the Pulaski City Hall on the second (2^{nd}) and fourth (4^{th}) Tuesday of each month at twelve o'clock (12:00) noon commencing on the second (2^{nd}) Tuesday

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

Municipal code references

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

Fire department: title 7. Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter reference

Board of mayor and aldermen: Art. V.

¹Charter references

of May, 2003. (1977 Code, § 1-101, as replaced by Ord. #3, 2003, Feb. 2003, and amended by Ord. #6, 2012, Sept. 2012)

1-102. Compelling attendance of board members. Any member of the board of aldermen and/or the mayor of said city who shall absent himself from any regular or regularly called special meeting of the board of mayor and aldermen for more than 3 consecutive meetings without any reason therefor other than illness shall be subject to be tried before the city judge under charges preferred by the city attorney as in a misdemeanor case wherein he shall show cause that any such absences were unavoidable, and in the event said absences, or any one of them, are found to be wilful and/or avoidable then any alderman, aldermen, or mayor shall be subject to a fine not to exceed fifty (\$50.00) dollars for any future absences of a like nature at a regular or regularly called special meeting or shall be subject to impeachment and dismissal under the general law of the State of Tennessee.

Every person seeking the office of alderman or mayor from and after the passage of this ordinance shall sign an agreement provided by the city recorder that he has been apprised of this ordinance and that he agrees to abide thereby. (1977 Code, § 1-102)

- **1-103.** <u>Order of business</u>. At each meeting of the governing body the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:
 - (1) Call to order by the mayor.
 - (2) Approval of minutes of prior meeting.
 - (3) Receipt of city administrator and department reports.
 - (4) Concerned citizens remarks regarding agenda items.
 - (5) Old business.
 - (6) New business.
- (7) Adjournment. (1977 Code, § 1-102, as amended by Ord. #6, 2012, Sept. 2012)
- **1-104.** <u>General rules of order.</u> The rules of order and parliamentary procedure contained in <u>Robert's Rules of Order, Newly Revised</u>, shall govern the transaction of business by and before the governing body 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.

It shall be unlawful for any person to interrupt the proceedings of the board or any committee thereof by any noise or disturbance of any kind or by any contemptuous acts, words or conduct.

It shall be unlawful for any person not a member of the board to address the board or to speak before the board without first asking and obtaining permission. (1977 Code, § 1-103, modified)

1-105. [Deleted.] (1977 Code, \S 1-105, as amended by Ord. #4, 2001, Feb. 2001, replaced by Ord. #7, 2001, April 2001, amended by Ord. #13, 2001, June 2001, and deleted by Ord. #6, 2012, Sept. 2012)

MAYOR¹

SECTION

- 1-201. Generally supervises municipality's affairs.
- 1-202. Executes municipality's contracts.
- 1-203. May appoint advisory committees.
- 1-204. Recommendations to board.
- **1-201.** Generally supervises municipality's affairs. The mayor shall have general supervision of all the officers and affairs of the municipality and may require such reports from the various officers and employees of the municipality as he may reasonably deem necessary to carry out his executive responsibilities. (1977 Code, § 1-201)
- 1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the governing body. (1977 Code, § 1-202)
- **1-203.** <u>May appoint advisory committees</u>. The mayor may, from time to time, by and with the approval of the board, appoint advisory committees for the purpose of obtaining information and making recommendations to the board. (1977 Code, § 1-203)
- **1-204.** Recommendations to board . The mayor shall, from time to time, recommend to the board such measures as he may deem necessary for the better government of the city. (1962 Code, § 1-204)

¹Charter reference Mayor: Art. IV.

RECORDER¹

SECTION

- 1-301. To be bonded.
- 1-302. To keep minutes, etc.
- 1-303. To be custodian of city hall.
- 1-304. To maintain inventory of real estate.
- 1-305. Payment of money.
- 1-306. To perform general administrative duties, etc.
- 1-307. Assistant recorder.
- **1-301.** To be bonded. The recorder shall be bonded in the sum of then thousand dollars (\$10,000.00), with surety acceptable to the governing body, before assuming the duties of his office. (1977 Code, § 1-301)
- **1-302.** To keep minutes, etc. The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (1977 Code, § 1-302)
- 1-303. <u>To be custodian of city hall</u>. The city recorder shall be ex officio custodian of the city hall and it shall be his responsibility to see that the same is maintained in the proper manner. (1977 Code, § 1-303)
- **1-304.** To maintain inventory of real estate. The city recorder shall maintain a current inventory of all real estate belonging to the city. (1977 Code, § 1-304)
- **1-305.** Payment of money. It shall be the duty of the city recorder to pay to each officer and employee of the city such salary as has been prescribed. He shall likewise pay current operating expenses, but otherwise, shall pay out money only upon authorization of the board of mayor and aldermen. (1977 code, § 1-305, as amended by Ord. #1, 2002, Feb. 2002)

To collect parks and recreation usage fees: title 20, chapter 3.

¹Ord. #10, 1994, available in the office of the recorder, adopts by reference the requirements of Public Acts of 1994, chapter 648, providing for certification of the recorder.

Municipal code reference

- 1-306. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the governing body and for the municipality which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1977 Code, § 1-306)
- **1-307.** <u>Assistant recorder</u>. (1) There is hereby created and established the office of assistant city recorder of the City of Pulaski, Tennessee, who shall be elected by the board of mayor and aldermen.
 - (2) [Repealed.] This subsection repealed by Ord. #5, 1993, § 2.
 - (3) The salary of said officer shall be fixed by said board.
- (4) Said officer shall be bonded in the sum of ten thousand dollars (\$10,000.00) with surety acceptable to the board before assuming the duty of said office.
 - (5) The duties of said officer shall be assigned by the recorder.
- (6) The assistant recorder of the City of Pulaski, Tennessee, may be assigned additional duties by the board of mayor and aldermen and may hold additional offices at the discretion of the board. (1977 Code, § 1-307)

DEPARTMENT MANAGERS

- 1-401. Department supervisors.
- 1-402. [Deleted].
- 1-401. <u>Department supervisors</u>. There are hereby created and established the offices of supervisor of the street and sanitary department, supervisor of airport facilities, supervisor of parks and recreation, supervisor of building and codes, supervisor of the water and sewer department and supervisor of the natural gas department. All such supervisors shall be deemed employees pursuant to the Personnel Rules and Regulations of the City of Pulaski and shall serve under the director of public works. Any vacancies in such supervisor positions shall be filled according to said personnel rules and regulations. (1977 Code, § 1-401, as replaced by Ord. #8, 2001, April 2001, and amended by Ord. #6, 2012, Sept. 2012)
- **1-402.** [Deleted]. This section was deleted by Ord. #3, 2000, July 2000. (1977 Code, § 1-402, as deleted by Ord. #3, 2000, July 2000)

[DELETED]

This chapter was deleted by Ord. #3, 2001, Feb. 2001.

PURCHASING AGENT

- 1-601. Office created; recorder to discharge duties or make appointment.
- 1-602. Duties.
- 1-603. Public advertisement and competitive bidding.
- 1-601. Office created; recorder to discharge duties or make appointment. As provided in Tennessee Code Annotated, 6-56-301, et. seq., the office of purchasing agent is hereby created and the city recorder shall faithfully discharge the duties of said office or appoint an individual to make purchases for the City of Pulaski. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the governing body. (1977 Code, § 1-1601)
- **1-602.** <u>Duties</u>. The purchasing agent, or designated representative, as provided herein, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body and filed with the city recorder. (1977 Code, § 1-1602)
- 1-603. Public advertisement and competitive bidding. Public advertisement and competitive bidding. All purchases made by the City of Pulaski shall be preceded by public advertisement and competitive bidding when the dollar amount is over twenty-five thousand dollars (\$25,000.00). At least three (3) written quotations shall be required whenever possible for purchases costing less than twenty-five thousand dollars (\$25,000.00) but more than ten thousand dollars (\$10,000.00). Purchases of like items shall be aggregated for purposes of the bid threshold. (as added by Ord. #10, 2001, April 2001, amended by Ord. #6, 2012, Sept. 2012, and replaced by Ord. #2, 2015, Feb. 2015, and Ord. #7,2015, Sept. 2015)

DIRECTOR OF PUBLIC SAFETY

- 1-701. Creation of director of public safety position.
- 1-702. Appointment.
- 1-703. Duties.
- 1-704. [Deleted.]
- 1-705. [Deleted.]
- 1-701. <u>Creation of director of public safety position</u>. There is hereby established in the city a position of director of public safety. (1977 Code, § 1-1701)
- **1-702. Appointment**. The duties of the director of public safety shall incorporate the management of both the police and fire departments within the city. (1977 Code, § 1-1702)
- 1-703. <u>Duties</u>. It shall be the duty of the director of public safety to coordinate all the efforts of both the city police and fire departments in fulfilling the mandates of both departments as provided by ordinances of this body, the rules and regulations of the State of Tennessee and its statutory duties and all federal laws and regulations applicable to both agencies. (1977 Code, § 1-1703)
- **1-704.** [Deleted]. (1977 Code, § 1-1704, as deleted by Ord. #6, 2012, Sept. 2012)
 - **1-705.** [Deleted.] (1977 Code, § 1-1705, as deleted by Ord. #6, 2012)

DELETED

(this chapter was deleted by Ord. #14,2016, Dec. 2016)

CITY ADMINISTRATOR

- 1-901. Office created.
- 1-902. Appointment.
- 1-903. Duties.
- **1-901.** Office created. There is hereby created the office of city administrator. (as added by Ord. #12, Aug. 2007)
- **1-902. Appointment**. The city administrator shall be appointed by the board of mayor and aldermen and shall be provided with an employment agreement that spells out the terms of employment, salary, benefits, and procedures for termination. (as added by Ord. #12, Aug. 2007)
- **1-903. Duties**. The city administrator shall perform the following duties subject to the direction and approval of the board of mayor and aldermen:
- (1) Advise the board of mayor and aldermen about the conditions, needs, and recommended improvements of the city;
- (2) Make periodic reports to the board of mayor and aldermen concerning the financial condition of the city and needs of the city's facilities and equipment;
 - (3) To serve as city purchasing agent.
 - (4) To supervise and coordinate all administrative functions of the city;
 - (5) Establish a priority schedule for projects involving public works;
- (6) To serve as personnel director with the authority to promote, demote, employ, and terminate employment consistent with the personnel policies and the city charter;
- (7) To prepare and submit the annual budget and a capital program to the board of mayor and aldermen.
- (8) Approve municipal expenditures only if funds are available for such expenditures.
- (9) Perform other duties as may be required by the city charter or as directed by the board of mayor and aldermen in official session from time to time. (as added by Ord. #12, Aug. 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

- 1. [DELETED.]
- 2. HOUSING CORPORATION OF PULASKI, TENNESSEE.

CHAPTER 1

This chapter was deleted in its entirety by Ord. #2, 2003, Jan. 2003.

HOUSING CORPORATION OF PULASKI, TENNESSEE

- 2-201. Establishment and purpose.
- 2-202. Charter and bylaws approved.
- 2-203. Incorporators and member-directors.
- 2-204. Authority and responsibility.
- 2-205. To cooperate with housing authority, etc.
- **2-201.** Establishment and purpose. It is hereby determined to be necessary and proper to authorize the creation of a non-stock, not-for-profit corporation as an instrumentality of the City of Pulaski, Tennessee, to be known as the Housing Corporation of Pulaski, Tennessee, for the purpose of promotion, constructing, and financing safe and affordable housing facilities. (as added by Ord. #6, 2000, Aug. 2000)
- **2-202.** Charter and bylaws approved. The proposed charter of incorporation and bylaws of said Pulaski Housing Corporation of Pulaski, Tennessee, are hereby approved. (as added by Ord. #6, 2000, Aug. 2000)
- **2-203.** <u>Incorporators and member-directors</u>. The city attorney is hereby authorized and directed to incorporate the Housing Corporation of Pulaski, Tennessee. Seven freeholders of the City of Pulaski shall be appointed by the mayor to serve as the original member-directors of the Pulaski Housing Corporation of Pulaski, Tennessee. Said board shall be comprised of the mayor, an alderman appointed by the mayor, and five citizens of the City of Pulaski. (as added by Ord. #6, 2000, Aug. 2000)
- **2-204.** <u>Authority and responsibility</u>. The member-directors of the Housing Corporation of Pulaski, Tennessee, upon the granting of a certificate of incorporation, are authorized and directed to issue, sell, and deliver revenue bonds of said corporation pursuant to <u>Tennessee Code Annotated</u>, and the laws of Tennessee, and to enter into contracts for the sale of bonds and construction of housing facilities. (as added by Ord. #6, 2000, Aug. 2000)
- **2-205.** To cooperate with housing authority, etc. The providing of low cost housing in and for the City of Pulaski, Tennessee, is a proper public pupose and this city desires to cooperate with the Pulaski Housing Authority and agencies of the federal government to fulfill such purpose. (as added by Ord. #6, 2000, Aug. 2000)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. <u>City judge</u>. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1977 Code, § 1-601)

¹Charter references

Jurisdiction: Art. VII, § 5. Fines, costs, etc.: Art. VII, § 8.

Appeal: Art. VIII, § 10.

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition and remission of fines and costs.
- 3-203. Disposition and report of fines and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.
- 3-206. Collection of unpaid municipal court fines and costs.
- **3-201.** Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1977 Code, § 1-602)
- **3-202.** <u>Imposition and remission of fines and costs</u>. All fines, penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court.

After any fine and costs have been so imposed and recorded, the city judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error.

All persons appearing before the city court and found guilty of the offense for which he is charged, or any lesser offense, shall pay the following court costs:

Clerk fee: \$19.00 Arrest fee: \$18.00

State fee: \$13.75 (where applicable)

Municipal training fee: \$ 1.00

Total court cost: \$51.75 Admin. Fee: \$25.75 TBI fee on cash bonds: \$13.75

The arresting officer shall receive no part of the court cost nor the arrest fee. (1977 Code, § 1-608, as amended by Ord. #6, 2012, Sept. 2012)

3-203. <u>Disposition and report of fines and costs</u>. All fines, costs, and forfeitures shall be collected by the chief of police or his representative and deposited to the account of the city court. Such funds shall be paid over monthly

to the recorder and the city judge shall then submit to the governing body a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1977 Code, § 1-610)

- **3-204.** <u>Disturbance of proceedings</u>. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1977 Code, § 1-611)
- **3-205.** Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1977 Code, § 1-606)

3-206. Collection of unpaid municipal court fines and costs.

- (1) Upon a municipal court judgment becoming final and unpaid, the judgment shall be tendered to the city attorney for collection.
- (2) Should the city attorney be unable to collect judgment for unpaid fines and/or court costs within ninety (90) days of it becoming final, the city shall tender the unpaid judgment to a professional collection firm.
- (3) The mayor and city recorder are hereby authorized, empowered and directed to enter into a written contract with a professional collection firm for such collection services.
- (4) Collection costs incurred by the city attorney or the professional collection firm shall be paid by the defendant to the extent permitted by law.
- (5) The professional collection firm is expressly prohibited from filing any court action, execution or garnishment for the collection of such fines and court costs. (as added by Ord. #2-2009, March 2009)

WARRANTS, SUMMONSES AND SUBPOENAS

- 3-301. Issuance of arrest warrants.
- 3-302. Issuance of summonses.
- 3-303. Issuance of subpoenas.
- **3-301.** <u>Issuance of arrest warrants</u>.¹ The city judge or acting city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1977 Code, § 1-603)
- 3-302. <u>Issuance of summonses</u>. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1977 Code, § 1-604)
- **3-303.** <u>Issuance of subpoenas</u>. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1977 Code, § 1-605)

¹State law reference

For authority to issue warrants, see <u>Tennessee Code Annotated</u>, title 40, chapter 6.

BONDS AND APPEALS

SECTION

- 3-401. Appearance bonds authorized.
- 3-402. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody.

Any person cited or arrested for violation of any city ordinance shall have the right to post a cash bond for his appearance as follows:

OFFENSE	<u>AMOUNT</u>
Possession of open whiskey	\$ 95.00
Open beer in public	\$ 95.00
Discharging firearm	\$100.00
Littering	\$ 85.00
Animals at large/violation leash law	\$ 85.00
Violation fireworks ordinance	\$ 85.00
Violation zoning laws/violation vendor's permit	\$ 85.00
Contempt of court	\$100.00
Violation of safety equipment (helmets, goggles)	\$ 95.00
Loud and excessive noise	\$ 95.00
Improper parking	\$ 35.00
Speeding	\$ 88.75
Violation stop sign	\$ 88.75
Violation stop light	\$ 88.75
Improper passing	\$ 88.75
Wrong-way on one-way street	\$ 88.75
Violation vehicle equipment	\$ 75.00
Following too closely	\$ 88.75
Financial responsibility	\$101.75
Failure to yield	\$ 88.75
ode, § 1-607, as amended by Ord. #6, 2012, Sept. 201	2)

(1977 Code, § 1-607, as amended by Ord. #6, 2012, Sept. 2012)

3-402. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1977 Code, § 1-609)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

- 1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
- 2. VACATIONS, SICK LEAVE, AND HOLIDAYS.
- 3. MISCELLANEOUS PERSONNEL REGULATIONS.
- 4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
- 5. SICK LEAVE BANK.
- 6. CODE OF ETHICS.

CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
- 4-106. Exclusions.
- 4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance.) In pursuance of said policy, and for that purpose, the municipality shall take such action as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-801)
- **4-102.** Necessary agreements to be executed. The mayor and municipality recorder are 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. (1977 Code, § 1-802)
- **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. (1977 Code, § 1-803)

- 4-104. <u>Appropriations for employer's contributions</u>. 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. (1977 Code, § 1-804)
- **4-105.** Records and reports to be made. The municipality recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-805)
- **4-106.** Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or employee or official who is not authorized to be covered by applicable state or federal laws or regulations or who is now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city. (1977 Code, § 1-806)

VACATIONS, SICK LEAVE AND HOLIDAYS¹

- 4-201. Applicability of chapter.
- 4-202. Vacation and sick leave.
- 4-203. Holidays.
- 4-204. Personal days.
- **4-201. Applicability of chapter**. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1977 Code, § 1-901)
- **4-202.** <u>Vacation and sick leave</u>. Vacation and sick leave shall be in accordance with the personnel policy for the City of Pulaski. (1977 Code, § 1-902)
- 4-203. <u>Holidays</u>. All municipal employees are entitled to observe the following holidays: New Year's Day, Memorial Day, Veteran's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and the third Monday in January of each year, the same being Dr. Martin Luther King, Jr.'s birthday. Any employee required to work on any of these days shall, at his election, be entitled to compensatory time off within thirty (30) days thereafter or to be compensated therefor at double time. When the holiday falls on Sunday, the following Monday shall be observed. When the holiday falls on Saturday, the previous Friday shall be observed. (1977 Code, § 1-905)
- **4-203.** Personal days. Personal days of leave shall be in accordance with the personnel policy of the City of Pulaski. (as added by Ord. #6, 2012, Sept. 2012)

¹Municipal code reference Sick leave bank: title 4, chapter 5.

MISCELLANEOUS PERSONNEL REGULATIONS

- 4-301. Business dealings.
- 4-302. [Repealed.]
- 4-303. [Repealed.]
- 4-304. Political activity.
- 4-305. [Repealed.]
- 4-306. [Repealed.]
- 4-307. Strikes and unions.
- 4-308. Public records.
- **4-301.** Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1977 Code, § 1-1001)
- **4-302.** [Repealed.] (1977 Code, § 1-1002, as repealed by Ord. #9, Sept. 2006)
- **4-303.** [Repealed.] (1977 Code, § 1-1003, as repealed by Ord. #9, Sept. 2006)
- **4-304.** Political activity. Political activity of municipal officers and employees shall be governed by Tennessee Code Annotated, § 2-19-201, et seq. (1977 Code, § 1-1004, modified, as replaced by Ord. #6, 2012, Sept. 2012)
- **4-305.** [Repealed.] (1977 Code, § 1-1005, as replaced by Ord. #9, Sept. 2006)
- **4-306.** [Repealed.] (1977 Code, § 1-1006, as repealed by Ord. #9, Sept. 2006)
- 4-307. <u>Strikes and unions</u>. No municipal officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1977 Code, § 1-1007)
- **4-308.** Public records . Procedures regarding access to an inspection of public records:
- (1) Consistent with the Public Records Act of the State of Tennessee, personnel of the city recorder's office shall provide full access and assistance in

or

a timely and efficient manner to Tennessee residents who request access to public documents. Records can be accessed within the city recorder's office Monday through Friday between the hours of 8:30 A.M. and 4:00 P.M.

- (2) Employees of the office shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian.
- (3) To prevent excessive disruptions of the work, essential functions, and duties of employees of the city recorder's office, persons requesting inspection of public records may, but are not required, to complete a records request form. Persons requesting copying of public records shall complete a records request form to be furnished by the office. If persons requesting inspection of public records choose not to complete a records request form, or persons requesting copying of public records refuse to complete a records request form, a city employee shall complete the form with the information provided by the requesting party.
- (4) When records are requested for inspection and/or copying, the records custodian shall make the records available as promptly as possible. However, if it is not possible to make the records available promptly, the records custodian has up to seven (7) business days to do the following:
 - (a) Produce the records requested;
 - (b) Deny the request in writing, giving explanation for denial;
 - (c) Provide the requestor, in writing, either an estimated time frame for the production of the requested records or an estimated time frame for a determination to be made regarding access to the requested records.
- (5) There is no charge assessed to a requestor for inspecting a public record. Charges for physical copies of records, in accordance with the State of Tennessee Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:
 - (a) Fifteen cents (\$0.15) per page for black and white copies.
 - (b) Fifty cents (\$0.50) per page for colored copies.
 - (c) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.
- (6) There will be no labor charge assessed to a requestor for requests requiring less than one (1) hour of city employee labor for research, retrieval and duplication. Labor in excess of one (1) hour may be charged by the city, in addition to the per page charge, as provided in subsection (5). When possible, the city will provide an estimate of the cost of producing the requested records prior to production. The city recorder's office will require payment in advance

of producing requested records if the records are to be mailed to the requestor and may require payment in advance for other forms of delivery. If the records are to be mailed to the requestor, the requestor is also responsible for paying the cost of delivery of the records. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour. For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula:

In calculating the charge for labor, the city recorder's office shall determine the number of hours each employee spent producing a request. The city recorder shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The city recorder will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the city recorder will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(7) If the public records requested are frail due to age or other conditions and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (1977 Code, § 1-1008, as replaced by Ord. #6, 2012, Sept. 2012)

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

- 4-401. Program created.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program.
- 4-408. Severability.
- **4-401.** Program created. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Pulaski. (1977 Code, § 1-1301, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #2,2016, March 2016)
- **4-402. Purpose**. The City of Pulaski in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:
- (1) Provide a safe and healthful place and condition of employment that includes:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze the worksite to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the 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 Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are

considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

- (6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program plan, 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 plan. (1977 Code, § 1-1302, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and 2,2016, March 2016)
- **4-403.** Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Pulaski shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time, seasonal or permanent. (1977 Code, § 1-1303, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #2,2016, March 2016)
- **4-404.** Standards authorized. The Occupational Safety and Health standards adopted by the City of Pulaski are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972. (1977 Code, § 1-1304, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #6,2016, March 2016)
- 4-405. <u>Variances from standards authorized</u>. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may 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 and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by <u>Tennessee Code Annotated</u>, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the mail bulletin board shall be deemed sufficient notice to employees. (1977 Code, § 1-1305, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #6,2016, March 2016)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

- 4-406. <u>Administration</u>. For the purposes of this ordinance, the City of Pulaski is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEAL TH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by <u>Tennessee Code Annotated</u>, title 50. (1977 Code, § 1-1306, as replaced by Ord. # 3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #6,2016, March 2016)
- **4-407. Funding the program**. Sufficient funds for administering and staffing the program plan pursuant to this ordinance shall be made available as authorized by the City of Pulaski. (1977 Code, § 1-1307, as replaced by Ord. # 3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #6,2016, March 2016)
- 4-408. <u>Severability</u>. If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. (1977 Code, § 1-1308, as replaced by Ord. #3, 2005, Jan. 2005, Ord. #3, 2012, May 2012, and Ord. #6,2016, March 2016)

SICK LEAVE BANK

SECTION

4-501. Regulations.

- **4-501.** Regulations. The board desires to create a City of Pulaski Sick Leave Bank. All full time employees of the City of Pulaski are eligible to join the "bank." In order to join the "bank," an employee must pledge five (5) days of accumulated sick leave. Employees that choose to join the "bank" shall be eligible to receive up to sixty (60) days per year from the "bank." The respective department head and the city recorder shall review each request to receive shared leave from the "bank" based on the following criteria:
- (1) The employee suffers or has an immediate family member suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to go on leave without pay status or to terminate his or her employment with the city; and
- (2) The employee has depleted or will shortly deplete his or her accrued vacation, sick leave, compensatory time, holiday time, and/or paid leave. (as added by Ord. #5, 2000, July 2000, and amended by Ord. #6, 2012, Sept. 2012)

CODE OF ETHICS

- 4-601. Applicability.
- 4-602. Definition of "personal interest."
- 4-603. Disclosure of personal interest by official with vote.
- 4-604. Disclosure of personal interest in nonvoting matters.
- 4-605. Acceptance of gratuities, etc.
- 4-606. Use of information.
- 4-607. Use of municipal time, facilities, etc.
- 4-608. Use of position or authority.
- 4-609. Outside employment.
- 4-610. Ethics complaints.
- 4-611. Violations.
- **4-601. Applicability**. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #9, Sept. 2006)
- **4-602. Definition of "personal interest**." (1) For purposes of §§ 4-603 and 4-604, "personal interest" means:
 - (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
 - (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
 - (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or step child(ren).
- (2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.
- (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #9, Sept. 2006)

- 4-603. 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. (as added by Ord. #9, Sept. 2006)
- 4-604. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #9, Sept. 2006)
- **4-605.** Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:
- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
- (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #9, Sept. 2006)
- **4-606.** <u>Use of information</u>. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #9, Sept. 2006)
- **4-607.** <u>Use of municipal time, facilities, etc.</u> (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
- (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #9, Sept. 2006)

- **4-608.** <u>Use of position or authority.</u> (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.
- (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #9, Sept. 2006)
- **4-609.** <u>Outside employment</u>. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #9, Sept. 2006)
- **4-610.** Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city 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 city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.
 - (b) The city attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.
 - (c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.
- (3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
- (4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #9, Sept. 2006)

4-611. <u>Violations</u>. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #9, Sept. 2006)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

- 1. MISCELLANEOUS.
- 2. REAL PROPERTY TAXES.
- 3. PRIVILEGE TAXES.
- 4. WHOLESALE BEER TAX.
- 5. GENERAL FUND BALANCE POLICY.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. [Deleted.]
- 5-102. [Deleted.]
- 5-103. Fiscal year.
 - **5-101.** [Deleted.] (1977 Code, § 6-101, as deleted by Ord. #6, 2012)
- **5-102.** [Deleted.] (1977 Code, § 6-102, as amended by Ord. #3, 2000, July 2000, and deleted by Ord. #6, 2012, Sept. 2012)
- **5-103. Fiscal year**. The fiscal year for the city shall begin on July 1 of each calendar year and end on June 30 of the next succeeding calendar year. All books and records shall be kept accordingly and the budget and tax rate shall be based upon this fiscal year. (1977 Code, § 6-103)

Taxation and revenue: Art. XIV.

¹Charter references

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

5-201. When due and payable. Taxes levied by the municipality against real property shall become due and payable annually as provided in art. XIV of the charter. (1977 Code, § 6-201)

5-202. When delinquent—penalty and interest.² All unpaid real property taxes shall become delinquent and be subject to penalty and interest in accordance with the provisions of art. XIV of the charter.³ (1977 Code, § 6-202)

¹State law references

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

²Charter and state law reference

Tennessee Code Annotated, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of 1/2 of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

³Charter and state law references

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

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

PRIVILEGE TAXES

- 5-301. [Deleted.]
- 5-302. [Deleted.]
- 5-303. [Deleted.]
- 5-304. Separate license for each place of business.
- 5-305. "Business Tax Act" implemented.
- **5-301.** [Deleted.] (1977 Code, § 6-301, as deleted by Ord. #6, 2012, Sept. 2012)
- **5-302.** [Deleted.] (1977 Code, § 6-302, as deleted by Ord. #6, 2012, Sept. 2012)
- **5-303.** [Deleted.] (1977 Code, \S 6-303, as deleted by Ord. #6, 2012, Sept. 2012)
- 5-304. Separate license for each place of business. Every person conducting business from more than one established place of business in the city shall be liable for the privilege tax on business done at each place and must secure a separate license for each place of business; provided, however, any merchant who desires to move his business shall have the right to do so, and shall apply to the recorder and have the address changed on the license. (1977 Code, § 6-304)
- **5-305.** "Business Tax Act" implemented. (1) The taxes provided for in chapter 387 of the Public Acts of 1971, as amended by chapter 850, Public Acts of 1972, known as the "Business Tax Act," are hereby enacted, ordained, and levied on the businesses, business activities, vocations or occupations carried on in Pulaski, Tennessee, at the rates and in the manner prescribed by said act and the terms and conditions thereof are hereby adopted in this section as an ordinance of the City of Pulaski, Tennessee, subject to the following changes and limitations as authorized by the act:
 - (a) Classifications 1, 2, 3 and 4: Minimum tax fifteen dollars (\$15.00)
 - (b) Classification 1: Gross receipts tax 1/30 of 1%
 - (c) Classification 2: Gross receipts tax 1/20 of 1%
 - (d) Classification 3: Gross receipts tax 1/10 of 1%
 - (e) Classification 4: Gross receipts tax 1/30 of 1%
- (2) The city recorder, with the approval of the board of mayor and aldermen, is empowered and directed to refund to tax payers all taxes that are

on the date of payment, paid in error. (1977 Code, \S 6-305, as amended by Ord. #6, 2012, Sept. 2012)

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. <u>To be collected</u>. The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in <u>Tennessee Code Annotated</u>, title 57, chapter 6.¹ (1977 Code, § 6-401)

¹State law reference

<u>Tennessee Code Annotated</u>, 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.

GENERAL FUND BALANCE POLICY

- 5-501. Purpose.
- 5-502. Categories.
- 5-503. Nonspendable and restricted funds.
- 5-504. Order of use of restricted and unrestricted funds.
- 5-505. Authority to commit funds.
- 5-506. Stabilization funds.
- 5-507. Authority to assign funds.
- 5-508. Unassigned fund balance.
- 5-509. Governmental fund balances beginning year of implementation.
- **5-501. Purpose**. The fund balance policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget. The fund balance policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a fund balance policy is for the City of Pulaski to be in a strong fiscal position that will allow for better position to weather negative economic trends. (as added by Ord. #6, 2011, June 2011)
- **5-502.** <u>Categories</u>. The fund balance consists of five (5) categories: nonspendable, restricted, committed, assigned, and unassigned.
- (1) Nonspendable fund balance consists of funds that cannot be spent due to their form (e.g. inventories and prepaids) or funds that legally or contractually must be maintained intact.
- (2) Restricted fund balance consists of funds that are mandated for a specific purpose by external parties, constitutional provisions or enabling legislation.
- (3) Committed fund balance consists of funds that are set aside for a specific purpose by the city's highest level of decision making authority (council). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.
- (4) Assigned fund balance consists of funds that are set aside with the intent to be used for a specific purpose by the city's highest level of decision making authority or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.

- (5) Unassigned fund balance consists of excess funds that have not be classified in the previous four (4) categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls. (as added by Ord. #6, 2011, June 2011)
- **5-503.** Nonspendable and restricted funds. Nonspendable funds are those funds that cannot be spent because they are either:
 - (1) Not in spendable form (e.g. inventories and prepaids);
 - (2) Legally or contractually required to be maintained intact.

It is the responsibility of the finance director to report all nonspendable funds appropriately in the city's financial statements.

Restricted funds are those funds that have constraints placed on their use either:

- (1) Externally by creditors, grantors, contributors, or laws or regulations or other governments;
 - (2) By law through constitutional provisions or enabling legislation.

It is the responsibility of the finance director to report all restricted funds appropriately in the city's financial statements. All restricted funds must also be reported to the city's governing body within two (2) months of the end of the fiscal year. (as added by Ord.#6, 2011, June 2011)

5-504. Order of use of restricted and unrestricted funds. When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal requirements disallow it.

When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last. (as added by Ord. #6, 2011, June 2011)

- **5-505.** Authority to commit funds. The city's governing body has the authority to set aside funds for a specific purpose. Any funds set aside as committed fund balance require the passage of a resolution by a simple majority vote. The passage of a resolution must take place prior to June 30 of the applicable fiscal year. If the actual amount of the commitment is not available by June 30, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available. (as added by Ord. #6, 2011, June 2011)
- **5-506.** Stabilization funds. Maintaining a financial stabilization account is a necessity for sound financial management and fiscal accountability. The city's governing body has the authority to establish a financial stabilization account that will be a committed fund balance. A financial stabilization account is established for the purpose of providing funds for an urgent event that affects the safety of the general public (e.g. flood, tornado, etc.). The minimum level for

the financial stabilization account is two hundred fifty thousand dollars (\$250,000.00). The recognition of an urgent event must be established by the governing body or their designee (e.g. chief administrative officer). If established by the governing body's designee, the specific urgent event must be reported to the governing body at their next meeting. A budget amendment must be approved by the city's governing body. In the event that the balance drops below the established minimum level, the city's governing body will develop a plan to replenish the financial stabilization account balance to the established minimum level within four (4) years. (as added by Ord. #6, 2011, June 2011)

5-507. Authority to assign funds. Upon passage of the fund balance policy, authority is given to the city's finance director to assign funds for specific purposes in an amount not to exceed twenty thousand dollars (\$20,000.00) per purpose or in total not to exceed two hundred thousand dollars (\$200,000.00). Any funds set aside as assigned fund balance must be reported to the city's governing body at their next regular meeting and recorded in the minutes. The governing body has the authority to remove or change the assignment of the funds with a simple majority vote.

The city's governing body has the authority to set aside funds for the intended use of a specific purpose. Any funds set aside as assigned fund balance require a simple majority vote and must be recorded in the minutes. The same action is required to change or remove the assignment.

Upon passage of a budget ordinance where fund balance is used as a source to balance the budget, the finance director shall record the amount as assigned fund balance. (as added by Ord. #6, 2011, June 2011)

5-508. <u>Unassigned fund balance</u>. Unassigned fund balance is the residual amount of fund balance in the general fund. It represents the resources available for future spending. An appropriate level of unassigned fund balance should be maintained in the general fund in order to cover unexpected expenditures and revenue shortfalls.

Unassigned fund balance may be accessed in the event of unexpected expenditures up to the minimum established level upon approval of a budget amendment by the city's governing body. In the event of projected revenue shortfalls, it is the responsibility of the finance director to report the projections to the city's governing body on a quarterly basis and shall be recorded in the minutes.

Any budget amendment that will result in the unassigned fund balance dropping below the minimum level will require the approval of two-thirds (2/3) vote of the city's governing body.

The fund balance policy establishes a minimum unassigned fund balance of five hundred thousand dollars (\$500,000.00). In the event that the balance drops below the established minimum level, the city's governing body will

develop a plan to replenish the fund balance to the established minimum level within two (2) years. (as added by Ord. #6, 2011, June 2011)

5-509. Governmental fund balances beginning year of implementation. In the initial GASB 54 implementation year, beginning fund balances for all governmental funds, except for the general fund, will be classified as restricted. Beginning fund balance in the general fund will be classified as unassigned. (as added by Ord. #6, 2011, June 2011)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST¹

SECTION

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. [Deleted.]
- 6-104. [Deleted.]
- 6-105. Policemen may require assistance in making arrests.
- 6-106. [Deleted.]
- 6-107. Police department records.
- 6-108. Designation of certain municipal enforcement officers as having the authority to issue ordinance summons.
- **6-101.** Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1977 Code, § 1-501)
- **6-102.** Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trail of cases. Policemen shall also promptly serve any legal process issued by the city court. The chief of police, or in his absence, a policeman designated by him, shall attend all meetings of the board of mayor and aldermen. (1977 Code, § 1-502)
- **6-103.** [Deleted.] (1977 Code, § 1-503, as deleted by Ord. #6, 2012, Sept. 2012)
- **6-104.** [Deleted.] (1977 Code, § 1-504, as deleted by Ord. #6, 2012, Sept. 2012)

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

¹Municipal code reference

- **6-105.** Policemen may require assistance in making arrests. It shall be unlawful for any male person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1977 Code, § 1-505)
- **6-106.** [Deleted.] (1977 Code, § 1-506, as deleted by Ord. #6, 2012, Sept. 2012)
- **6-107.** Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:
- (1) All known or reported offenses and/or crimes committed within the corporate limits.
 - (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1977 Code, § 1-507)
- 6-108. Designation of certain municipal enforcement officers as having the authority to issue ordinance summons. The board of mayor and aldermen of the City of Pulaski hereby designates the chief of police or his designate, the environmental coordinator and the superintendent of the street and sanitary department as having the authority to issue summonses in lieu of arrest in the areas of sanitation, litter control and animal control as provided in Tennessee Code Annotated §§ 7-63-201 thru 7-63-204. (1977 Code, § 1-508)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

- 1. [DELETED.]
- 2. FIRE CODE.
- 3. FIRE DEPARTMENT.
- 4. FIRE SERVICE OUTSIDE CITY LIMITS.
- 5. UNDERGROUND STORAGE OF FLAMMABLE LIQUIDS.
- 6. FIREWORKS.

CHAPTER 1

[DELETED]

This chapter was deleted by Ord. #6, 2012, Sept. 2012

Building, utility and housing codes: title 12.

 $^{^{1}}$ Municipal code reference

FIRE CODE¹

SECTION

7-201. Fire code adopted.

7-202. Open burning.

7-203. Modifications.

7-201. Fire code adopted. A certain document, three (3) copies of which are on file in the office of the city recorder, being marked and designated as the International Fire Code, 2012 edition, including appendixes, as published by the International Code Council, be and is hereby adopted as the fire code of the City of Pulaski, in the State of Tennessee for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises 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 fire code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 7-202. (1977 Code, § 7-201, as amended by Ord. #15, 1996, Dec. 1996, and Ord. #3, 2000, July 2000; and replaced by Ord. #2, 2006, Jan. 2006, Ord. #10, July 2007, and Ord. #7,2016, June 2016)

- **7-202. Open burning**. (1) <u>Intent</u>. It is the intent and purpose of this section to protect its citizens from injury arising the public from hazards and public nuisances and to reduce the accidental spread of fire for the benefit of the health, safety, general welfare and physical property of the people. The city shall seek the accomplishment of these objectives through the regulation of open burning as adopted and set forth herein.
- (2) <u>Definitions</u>. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - (a) "Air curtain destructor or air curtain" incinerator means a portable or stationary combustion device that directs a plane of high

¹Municipal code reference Building, utility and housing codes: title 12.

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

velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain.

- (b) "Fire chief" means the duly appointed fire chief or acting fire chief of the city.
- (c) "Open burning" means the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.
- (3) <u>Implementation and enforcement</u>. The regulations set forth herein shall be implemented and enforced by the fire chief and by such other persons as the city administrator may designate.
 - (4) Open burning prohibitions and restrictions. (a) No open burning shall be allowed unless a permit is first obtained from the fire chief, except that no permit shall be required for:
 - (i) Outdoor fireplaces or outdoor noncommercial food preparation.
 - (ii) Training burns under the direction of the fire chief or the fire chief's designee; provided that such training burns shall be conducted only when weather or other environmental conditions do not pose a significant health or safety risk to nearby residents, individuals or properties; and provided further that all property owners or tenants located within five hundred (500) feet of the site shall be notified of the training burn at least seven (7) calendar days in advance.
 - (b) The burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials and/or asbestos containing materials is expressly prohibited, and such materials shall not be included in any open burning conducted under the provisions of this section. Furthermore, burning for the purpose of disposing of construction or demolition waste or debris not otherwise described herein is expressly prohibited, and such waste or debris shall not be included in any open burning conducted under the provisions of this section.
 - (c) Burning for the purpose of clearing vegetation from land for new development or a change in the use of the land shall be permitted only if:
 - (i) The property containing the burn site is of adequate size to accommodate the movement of necessary equipment to move brush and the digging of a pit and placement of an air curtain destructor or air curtain incinerator.
 - (ii) The burning will take place at an adequate distance from any building, roadway, walkway or any other location as may be specified by the fire chief.

- (iii) The materials to be burned are placed in a pit and an air curtain destructor or air curtain incinerator is used.
- (iv) Priming materials used to facilitate such burning are limited to #1 or #2 grade fuel oils.
- (v) The burning occurs between the hours of 7:00 A.M. and dusk.
- (d) Burning for the purpose of disposing of detached tree limbs and leaves shall be permitted only if:
 - (i) The property containing the burn site is of adequate size to accommodate the movement of necessary equipment for digging of a pit and placement of an air curtain destructor or air curtain incinerator.
 - (ii) The materials to be burned consist solely of leaves and limbs gathered from the property containing the burn site.
 - (iii) The burning will take place at an adequate distance from any building, roadway, walkway or any other location as may be specified by the fire chief.
 - (iv) The materials to be burned are placed in a pit and an air curtain destructor or air curtain incinerator is used.
 - (v) Priming materials used to facilitate such burning are limited to #1 or #2 grade fuel oils.
 - (vi) The burning occurs between the hours of 7:00 A.M. and dusk.
- (e) An application for a bonfire permit for a special event must be submitted to the fire chief at least seven (7) calendar days prior to the event, and must identify the location and describe the type of materials to be used in the bonfire. The application must be accompanied by a one hundred dollars (\$100.00) deposit. The deposit shall be refunded if the bonfire is fully extinguished and all debris removed by the permit holder at the end of the event. Prior to approval of the permit, the fire chief or the fire chief's representative may inspect the location and may condition the issuance of the bonfire permit on the use of specified materials and prescribed safety measures. The fire chief or the fire chief's representative may revoke the bonfire permit before or during the bonfire if the fire chief or the fire chief's representative has reason to believe the bonfire will not be adequately supervised, or if weather or other conditions on the day of the bonfire pose a significant public health or safety risk.
- (f) Neither the exceptions allowed hereunder nor the granting of a permit for open burning shall relieve any person of liability for injuries or damage caused by such open burning, nor shall an exception or permit relieve any person of the responsibility to obtain any other permit required by any other federal, state or county agency, or of complying with other applicable requirements, ordinances, statutes or restrictions.

- (g) In the event a permitted fire is determined by the fire chief or the fire chief's representative to be a nuisance to adjacent property owners or occupants or to the public at large, the fire chief or the fire chief's representative shall order the permit holder to extinguish the fire immediately or, if necessary, the fire department may extinguish the fire.
- (h) The fire chief or the fire chief's representative may order all open burning temporarily stopped at any time due to weather conditions or other environmental conditions which may cause open burning to pose a significant public health or safety risk.
- (5) <u>Violations</u>. Any violation of this provision shall be punishable by a fine not exceeding fifty dollars (\$50.00) for each occurrence. Additionally, should the City of Pulaski incur any expenses in responding to and/or extinguishing any open burning in violation of this provision shall be subject to and shall pay restitution to the City of Pulaski in the amount of such expenses incurred. (1977 Code, § 7-202, as replaced by Ord. #9, 2008, July 2008)

7-203. <u>Modifications</u>. The following sections are hereby revised:

Section 101.1: City of Pulaski

Section 109.4: Insert "misdemeanor"

Section 111.4: Insert \$50.00. (as added by Ord. #7,2016, June

2016)

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. [Deleted.]
- 7-306. [Deleted.]
- 7-307. [Deleted.]
- 7-308. Chief to be assistant to state officer.
- 7-309. Safety committee.
- 7-310. [Deleted.]
- **7-301.** Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief, who shall serve ex officio as fire marshal, and such other officers and personnel as required. (1977 Code, § 7-301, as amended by Ord. #6, 2012, Sept. 2012)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1977 Code, § 7-302)
- **7-303.** Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1977 Code, § 7-303)

¹Municipal code reference

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

- **7-304.** Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1977 Code, § 7-304)
- **7-305.** [Deleted]. (1977 Code, § 7-305, as amended by Ord. #3, 2000, July 2000, and deleted by Ord. #6, 2012, Sept. 2012)
- **7-306.** [Deleted]. (1977 Code, § 7-306, as deleted by Ord. #6, 2012, Sept. 2012)
- **7-307.** [Deleted]. (1977 Code, § 7-308, as deleted by Ord. #6, 2012, Sept. 2012)
- 7-308. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof.

The chief of the fire department is empowered to issue all appropriate citations and warnings to any person or entity violating the <u>Standard Fire Prevention Code</u> or any subsequent fire prevention code adopted by the City of Pulaski. (1977 Code, § 7-310, as amended by Ord. #9, 2003, March 2003)

- **7-309.** Safety committee. The safety committee shall see that the policies of the governing body are made known to and carried out by the fire department. The committee shall also keep the governing body informed of the status and needs of the fire department and make recommendations with respect thereto. (1977 Code, § 7-311, as amended by Ord. #3, 2000, July 2000)
- **7-310.** [Deleted]. (1977 Code, § 7-312, as deleted by Ord. #6, 2012, Sept. 2012)

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Calls outside the city limits.

7-401. <u>Calls outside the city limits</u>. The fire department is authorized to answer calls beyond the corporate limits as hereinafter set out, provided the calling party has entered into a contract with the fire department.

The safety committee is hereby authorized to promulgate the conditions of a contract for this purpose that will provide for an annual fee of \$50.00 and a charge of \$1,000.00 for each response to a fire call. Any person, firm or corporation requesting new service during the year shall pay a prorata amount.

The board of mayor and aldermen shall approve the terms of the master contract by resolution and the safety director or his deputy shall execute the same for the fire department after it is signed by the owner.

Giles County Government must likewise contract with the city for protection of its buildings and property.

The fire department may answer calls to fires so close to the corporate limits as to constitute a threat to the property within the city limits.

The fire department is not authorized to answer calls to property within the corporate limits of any town or city in Giles County unless the mayor or any alderman thereof calls for help in a life or death situation.

If the Giles County Rescue Squad calls for aid in a life or death situation the fire department is hereby authorized to answer the call.

The fire department will not answer calls for any vehicle outside its corporate limits except school buses, buses hauling passengers for hire, vehicles in industrial parking lots, and vehicles hauling toxic chemicals. Those owners will be billed one thousand dollars (\$1,000.00) per call.

The senior fire official on duty shall, upon the receipt of a request for assistance, use his best and good faith judgment as to what action to take under the circumstances as relayed to him by the person calling.

The fire department will answer calls to any toxic or chemical explosion or spill or event in any place in Giles County, for which the owner thereof shall be liable to pay one thousand dollars (\$1,000.00) per call. (1977 Code, § 7-309, as amended by Ord. #3, 2000, July 2000)

UNDERGROUND STORAGE OF FLAMMABLE LIQUIDS

- 7-501. Permit required for underground storage.
- 7-502. Issuance of permit.
- 7-503. Installation of tanks.
- 7-504. Classes of flammable liquids.
- 7-505. Capacity of tanks.
- 7-506. Setting of tanks.
- 7-507. Material and construction of tanks.
- 7-508. Venting of tanks.
- 7-509. Filling pipe.
- 7-510. Manhole.
- 7-511. Test well or gauging device.
- 7-512. Withdrawal of liquid from tank.
- 7-513. Care and attendance.
- 7-514. Rules of state fire marshal adopted.
- **7-501.** Permit required for underground storage. It shall be unlawful for any person, firm or corporation to install any underground tank for the storage of flammable liquids in the city without first obtaining a permit therefor from the city building inspector, provided, however, this chapter shall not apply to tanks installed in or about residences. (1977 Code, § 7-401)
- **7-502.** <u>Issuance of permit</u>. The permit shall be issued by the city recorder upon the authorization of the city building inspector. (1977 Code, § 7-402)
- 7-503. <u>Installation of tanks</u>. No storage tank for flammable liquids with a flashpoint below one hundred degrees, Fahrenheit (100°F) shall be installed above the lowest level of any floor, basement, cellar or pit of any building or structure within twenty-five (25) feet of any such building or structure. The level of said tank shall be determined by its highest part. If it shall be impracticable to comply with the foregoing requirement for the location of a storage tank, then said tank shall be enclosed in an approved concrete vault and properly vented to the outside, with no equipment in such vault except tank, pipes, and fittings necessary for such storage. (1977 Code, § 7-403)
- **7-504.** <u>Classes of flammable liquids</u>. In this chapter flammable liquids are divided into three classes according to the flashpoint as follows:
 - Class 1. Liquids with flashpoint below 25°F. closed Cup Tester;

- Class 2. Liquids with flashpoint above that of Class 1 and below 70° F. closed Cup Tester;
- Class 3. Liquids with flashpoint above that of Class 2 and below 200°F. closed Cup Tester.

The flashpoint shall be determined with the Elliott, Abel, Abel-Pensky, or the Tag closed Cup Testers, but the Tag closed Cup Tester (standardized by the U. S. Bureau of Standards) shall be authoritative in case of dispute. All tests shall be made in accordance with the methods adopted by the American Society for Testing Materials and approved by the American Standards Association. (1977 Code, § 7-404)

- **7-505.** <u>Capacity of tanks</u>. It shall be unlawful for any person, firm or corporation to install within the city any underground tank for the storage of gasoline or other flammable liquids, having a capacity of more than that set out by the regulations of the state fire marshal. (1977 Code, § 7-405)
- **7-506.** Setting of tanks. (1) Tanks shall be buried underground, with the top of the tank not less than two feet below the surface of the ground and below the level of any piping to which the tanks may be connected except that in lieu of the two-foot cover, the tank may be buried under 12 inches of earth and a slab of reinforced concrete or equivalent construction in no case less than four inches in thickness. The slab shall be set on a firm, well tamped earth foundation, and shall extend at least one foot beyond the outline of the tank in all directions. Where necessary to prevent floating, tanks shall be securely anchored or weighted.

Where tanks are buried under driveways subject to traffic by heavy vehicles, the total coverage above the top of the tank shall be not less than three feet, provided, however, that where such driveways are paved with reinforced concrete not less than six inches in thickness, the total coverage may be reduced to two feet.

Where a tank cannot be entirely buried, it shall be covered over with earth to a depth of at least two feet with a slope on all sides of not less than 1 1/2 to 1.

- (2) Tanks shall be set on a firm foundation and surrounded with soft earth or sand well tamped in place.
- (3) When located underneath a building, the tanks shall be so buried and otherwise installed and protected as to comply in all respects with the provisions of paragraph (1) of this section. (1977 Code, § 7-406)
- **7-507.** <u>Material and construction of tanks</u>. (1) Tanks shall be constructed of steel or wrought iron of a minimum gauge (U. S. Standard) depending upon the capacity as given in the following table:

Capacity (Gallons)	Minimum Thickness	Weight, lbs. per sq. ft.
1 to 285	16 gauge	2.50
286 to 560	14 gauge	3.125
561 to 1,100	12 gauge	4.375
1,101 to 4,000	7 gauge	7.50
4,001 to 12,000	1/4 inch	10.00
12,001 to 20,000	5/16 inch	12.50
20,001 to 30,000	3/8 inch	15.00

Tanks of open hearth steel or wrought iron thinner than No. 7 gauge shall be galvanized.

For Class 3 liquids, if adequate internal bracing is provided, tanks from 12,001 to 30,000 gallons capacity may be built of 1/4 inch plate.

(2) All joints of tanks shall be riveted, welded or brazed and shall be soldered, caulked or otherwise made tight by some equally satisfactory process. Tanks shall be tight and sufficiently strong to bear without injury the most severe strains to which they may be subjected in practice. Shells of tanks shall be properly reinforced where connections are made, and at all connections made through the top of tank above the liquid level.

Tanks for systems under pressure shall be constructed in accordance with Section 8 of the Boiler Code of the A.S.M.E. generally termed the "Unfired Pressure Vessel Code," and tested in compliance with the provisions of said code.

- (3) Prior to installation tanks shall be protected against corrosion on the outside in a manner satisfactory to the inspection department having jurisdiction, but in every case with at least the equivalent of two preliminary coatings of red lead followed by a heavy coating of hot asphalt. (1977 Code, § 7-407)
- 7-508. <u>Venting of tanks</u>. (1) Storage tanks (except for hydraulic or inert gas systems) shall be equipped with an open vent or an approved automatically operated vent arranged to discharge to the open air. The lower end of the vent pipe shall extend through the top into the tank for a distance of not more than one inch.
- (2) Vent openings shall be of sufficient area to permit proper inflow of liquid during the filling operation in no case less than 1 1/4 inches in diameter for tanks up to 500 gallons capacity, except those automatically operated.

Vent openings, excepting those on underground tanks containing Class 3 liquids, shall be protected by approved flame arrestors which shall be accessible for examination and cleaning.

Open vent pipes shall be provided with weather-proof hoods and terminate outside of buildings. When Class 1 liquids are stored, vent terminals shall be not less than 12 feet above top of fill pipe; or if a tight connection is made in filling line, and filling is by gravity, the vent terminal shall be at least one foot above the level of the highest reservoir from which the tanks may be filled. When other than Class 1 liquids are stored, vent pipes shall terminate sufficiently above ground to prevent obstruction by snow and ice, provided, that when tanks contain heaters as is usually the case where heavy fuel oil is stored, vent pipes shall be extended to a location where oil vapors discharging from vent will be readily diffused without danger of ignition. All vent pipes shall terminate at a point not less than two feet measured vertically or horizontally from any window or other building opening.

Where a battery of tanks designed to hold the same class of liquids is installed, the vent pipe may run into a main header. Individual vent pipes shall, however, be screened between tank and header, and the connection to the header shall not be less than one foot above the level of the top of the highest reservoir from which the tanks may be filled. (1977 Code, § 7-408)

- **7-509.** Filling pipe. Tanks shall be filled only through fill pipes terminating outside of buildings at a point at least five feet from any building opening at the same or lower level. Fill terminals shall be closed tight when not in use by a metal cover designed to prevent tampering. (1977 Code, § 7-409)
- **7-510.** Manhole. Manhole covers shall be securely fastened in order to make access difficult by unauthorized persons. No manhole shall be used for filling purposes. (1977 Code, § 7-410)
- **7-511.** <u>Test well or gauging device</u>. (1) All tanks in which a constant oil level is not maintained by an automatic pump shall be equipped with an approved device for determining the oil level, or otherwise gauged in an approved manner.
- (2) Test wells shall not be installed inside buildings and where permitted for outside service shall be kept closed when not in use by a metal cover designed to prevent tampering.
- (3) Gauging devices such as liquid level indicators or signals shall be installed so that oil or vapor will not be discharged into the building. Glass gauges, the breakage of which will allow the escape of liquid, shall not be used. (1977 Code, § 7-411)
- **7-512.** Withdrawal of liquid from tank. (1) Liquid shall be withdrawn from a tank without unnecessary exposure by a substantially constructed discharge device of approved design which will prevent the delivery or leaking of liquid when not in use.
- (2) The opening for withdrawal of liquid shall be provided with a lock to prevent tampering. (1977 Code, § 7-412)

- **7-513.** <u>Care and attendance</u>. (1) Tanks shall be filled preferably during daylight hours. All openings shall be locked except when in use.
- (2) Liquid to be withdrawn shall be delivered directly to the receptacle from which it is to be used. When the liquid is to be taken inside the building it shall be delivered directly from the storage tank to approved safety cans or portable tanks. Open containers shall not be used.
- (3) Discharge devices, if removable for purposes of storage, shall be carefully drained before removing from the suction pipe. (1977 Code, § 7-413)
- **7-514.** Rules of state fire marshal adopted. The standards for the installation of containers for storage and handling of flammable liquids as prescribed by the state division of fire prevention shall govern in all cases not specifically covered by the preceding sections and those standards are hereby adopted, it being the intent of the board to cover underground storage only, in detail, in this chapter. (1977 Code, § 7-414)

FIREWORKS

SECTION

7-601. Regulation.

7-602. Exception for city-sponsored events.

7-601. Regulation. The detonation of fireworks and the sale thereof is hereby declared to be unlawful within the corporate limits of the City of Pulaski. The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible and/or audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, roman candles, daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing an explosive or flammable compound or any tablets or other device containing any explosive substance except that the term "fireworks" shall not include model rockets and model rocket engines designed and sold and used for the purpose of propelling recoverable aerial models and shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the United States Department of Transportation regulation for packing and shipping of toy, paper or plastic caps are used and toy, paper and/or plastic caps manufactures as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy, paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. Any violation hereof shall be punishable as are any other misdemeanors described in this code. (1977) Code, § 7-501)

7-602. Exception for city-sponsored events. From time to time the City of Pulaski desires to sponsor civic events and celebration that may involve professional pyro-technic displays. Section 7-601 of this municipal code shall not apply to any discharge or display of fireworks by a licensed, professional sponsored by the City of Pulaski or any other event approved by resolution of the board of mayor and aldermen. (as added by Ord. #5,2008, June 2008)

TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER

- 1. INTOXICATING LIQUORS.
- 2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

- 8-101. Subject to regulations.
- 8-102. Terms defined.
- 8-103. Deleted.
- 8-104. Deleted.
- 8-105. License required for retail business.
- 8-106. Location restrictions on retailers.
- 8-107. Limitation on number of retailers.
- 8-108. Restrictions on license holders and employees.
- 8-109. Deleted.
- 8-110. License to be displayed.
- 8-111. Transfer of license prohibited; term of license; use of agents.
- 8-112. Expiration and renewal of license.
- 8-113. Deleted.
- 8-114. Deleted.
- 8-115. Inspection fees.
- 8-116. Regulations for purchase and sale of intoxicating liquors.
- 8-117. Retailers not to solicit orders or make deliveries off their premises.
- 8-118. Regulation of retailers.
- 8-119. Recorder authorized to examine books, etc., of licensees.
- 8-120. Visible possession of unsealed containers on streets, etc., prohibited.
- 8-121. On-premises consumption of alcoholic beverages lawful but subject to regulation.
- 8-122. Alcoholic beverage privilege tax; levied on retail sale of alcoholic beverages for consumption on premises.
- 8-123. City recorder's responsibility.
- 8-124. Employees liable for violation of chapter.
- **8-101.** <u>Subject to regulations</u>. (1) Pursuant to title 57 of the <u>Tennessee Code Annotated</u> and chapter 215 of the Public Acts of 1967 amending the same and a referendum held pursuant thereto in the City of Pulaski, Tennessee, on November 9, 1967, this chapter is enacted.

- (2) It shall be unlawful to engage in the business of selling, storing, transporting, or distributing or to purchase or possess alcoholic beverages within the corporate limits of the City of Pulaski, Tennessee, except in accordance with the provisions of title 57, chapter 1, of the <u>Tennessee Code Annotated</u> and the rules and regulations promulgated thereunder and as provided in this chapter. (1977 Code, § 2-101)
- **8-102.** <u>Terms defined</u>. Whenever herein used unless the context requires otherwise:
- (1) "Alcoholic beverage" or "beverages" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol other than patented medicine, beer, or wine, where the latter two contain an alcoholic content of five per cent (5%) by weight or less.
- (2) "License" means the license issued herein and "licensee" means any person to whom such license has been issued.
- (3) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.
- (4) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provisions of this chapter.
- (5) "Manufacturer" means and includes a distiller, vintner, and rectifier. "Manufacture" means and includes distilling, rectifying, and operating a winery.
- (6) "Wholesale sale" or "sale at wholesale" means a sale to any person for purposes of resale.
- (7) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of §§ 57-3-101 through 57-3-412, <u>Tennessee Code Annotated</u>.
- (8) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharin, and seasonal conditions including champagne, sparkling and fortified wine of an alcoholic content not exceeding twenty-one per cent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced or an artificial or imitation wine.
- (9) The word "gallon" or "gallons" whenever used herein shall be construed to mean a wine gallon or wine gallons, of one hundred and twenty eight (128) ounces. The word "quart" whenever used herein shall be construed to mean one-fourth (1/4) of a wine gallon. The word "pint" whenever used herein shall be construed to mean one-eighth (1/8) of a wine gallon.
- (10) Words importing the masculine gender shall include the feminine and the neuter; and the singular shall include the plural.
- (11) The term "federal license" as used herein shall not mean tax receipt or permit. (1977 Code, § 2-102)

- **8-103.** <u>Deleted</u>. (1977 Code, § 2-103, as deleted by Ord. #6, 2012, Sept. 2012)
- **8-104. Deleted**. (1977 Code, § 2-104, as deleted by Ord. #6, 2012, Sept. 2012)
- 8-105. <u>License required for retail business</u>. For the retail sale of alcoholic beverages a license may be issued as herein provided. Any person desiring to sell alcoholic beverages in sealed packages only and not for consumption on the premises shall make application to the city recorder for a retailer's license. The application shall be in writing on forms prescribed and furnished by the city recorder. Subject to the issuance of a retail license issued by the commissioner of finance and taxation of the State of Tennessee, a majority of the board of mayor and aldermen may issue such retailer's license. No license shall be issued except to individuals who are or become resident citizens of and owners of real property situated in Giles County, Tennessee prior to the approval of such license. (1977 Code, § 2-105, as amended by Ord. #4, 1999, May 1999, and Ord. #22, 2003, Dec. 2003)
- 8-106. <u>Location restrictions on retailers</u>. No license shall be granted the operator of a retail store for the sale of alcoholic beverages except on premises zoned "intermediate business" or "local business." However, no license shall be granted for the operation of such retail store to be located on the public square of the City of Pulaski, Tennessee, nor within one full or square block north, east, south, and west of the public square of the City of Pulaski, Tennessee. (1977 Code, § 2-106)
- **8-107.** <u>Limitation on number of retailers</u>. No more than three (3) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (1977 Code, § 2-107)

8-108. Restrictions on license holders and employees.

- (1) No retailer shall be a person who has been convicted of a felony involving moral turpitude within ten (10) years prior to the time he or the concern with which he is connected shall receive a license, provided, however, that this provision shall not apply to any person who has been convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction and in case of any such conviction occurring after a license has been issued and received, the said license shall immediately be revoked, if such convicted felon be an individual licensee and if not, the partnership or association with which he is connected shall immediately discharge him.
- (2) No license shall under any circumstance be issued to any person who within ten (10) years preceding application for such license or permit shall

have been convicted of any offense under the laws of the State of Tennessee or of any other state of the United States prohibiting or regulating the sale, possession, transporting, storing, manufacturing, or otherwise handling intoxicating liquors or who has during said period been engaged in business alone or with others in violation of any of said laws or rules and regulations promulgated pursuant thereto, or as they may exist thereafter.

- (3) It shall be unlawful for any person to have ownership in or to participate, either directly or indirectly, in the profits of any retail business licensee unless his interest in said business and the nature, extent, and character thereof shall appear on the application, or if the interest is acquired after the issuance of a license unless it shall be fully disclosed to the city. Where such interest is owned by such person on or before the application for any license the burden shall be upon such person to see that this section is fully complied with, whether he himself signs or prepares the application, or whether same is prepared by another; or if said interest is acquired after the issuance of said license, the burden of disclosure of the acquisition of such interest shall be upon the seller and purchaser.
- (4) No retailer, or any employee thereof, engaged in the sale of alcoholic beverages, shall be a person under the age of eighteen (18) years and it shall be unlawful for any retailer to employ any person under eighteen (18) years of age for the physical storage, sale, or distribution of alcoholic beverages or to permit any such person under age in its place of business to engage in the storage, sale, or distribution of alcoholic beverages.
- (5) No retailer shall employ in the storage, sale, or distribution of alcoholic beverages, any person, who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude, and in case an employee should be convicted he shall immediately be discharged; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.
- (6) Each individual holder named in a license must devote a minimum of forty (40) hours per week to the operation of such retail store, except thirty (30) days within each calendar year will be exempt from this provision.
- (7) The issuance of a license does not vest a property right in the licensee, but is a privilege subject to revocation or suspension under this chapter.
- (8) Misrepresentation of a material fact or concealment of a material fact required to be shown in the application for a license shall be a violation of this chapter. (1977 Code, § 2-108, as amended by Ord. #3, 2000, July 2000, Ord. #6, 2012, Sept. 2012 and Ord. #1,2016, March 2016)
- **8-109. Deleted**. (1977 Code, § 2-109, as deleted by Ord. #1,2016, March, 2016)

- **8-110.** License to be displayed. Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified to do business, display and post and keep displayed and posted in the most conspicuous place in their premises such license. (1977 Code, § 2-110)
- 8-111. <u>Transfer of license prohibited; term of license; use of agents</u>. The holder of a license may not sell, assign, or transfer such license to any other person nor any other location and said license shall be good and valid only for the calendar year in which the same was issued, and at the location for which it was issued.

Provided, however, that licensees who are serving in the military forces of the United States in time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section. (1977 Code, § 2-111)

- **8-112.** Expiration and renewal of license. Licenses issued under this chapter shall expire at the end of the calendar year and, subject to the provisions of this chapter, may be renewed each calendar year. (1977 Code, § 2-112)
- **8-113. Deleted**. (1977 Code, § 2-113, as deleted by Ord. #1,2016, March 2016)
- **8-114.** <u>Deleted</u>. (1977 Code, § 2-114 as deleted by Ord. #1,2016, March 2016)
- **8-115.** <u>Inspection fees</u>. The City of Pulaski does hereby impose an inspection fee upon all licensed retailers of alcoholic beverages, as defined by § 57-3-101 of the <u>Tennessee Code Annotated</u>, located within said municipality, of eight per cent (8%) on the wholesale price as supplied to said retailer by the wholesaler, as defined by said section of <u>Tennessee Code Annotated</u>; and said inspection fee shall be collected as follows:
- (1) The inspection fee shall be collected by the wholesaler from the retailer following notice given the wholesaler by the municipality that an inspection fee has been imposed by this chapter upon the retailers located within the City of Pulaski, Tennessee. The inspection fee shall be collected by the wholesaler at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.
- (2) Each wholesaler making sales to retailers located within the City of Pulaski shall furnish the municipality a report monthly, which report shall contain a list of the alcoholic beverages sold to each retailer located within said

municipality, the wholesale price of the alcoholic beverages sold to each retailer, the amount of tax due, and such other information as may be required by the municipality. The monthly report shall be furnished the City of Pulaski not later than the twentieth (20th) of the month following which the sales were made. The inspection fees collected by the wholesaler from the retailer or retailers located within said municipality shall be paid to the municipality at the time the monthly report is made. Wholesalers collecting and remitting the above inspection fee to the municipality shall be entitled to reimbursement for this collection service, a sum not to exceed five per cent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the municipality.

(3) Failure to collect or timely report and/or pay the inspection fee collected shall result in a penalty of ten per cent (10%) of the fee due the municipality which shall be payable to the City of Pulaski. (1977 Code, § 2-115)

8-116. <u>Regulations for purchase and sale of intoxicating liquors</u>. (1) It shall be unlawful for any person in this city to buy any alcoholic beverages, defined herein, from any person, who does not hold the appropriate license under this chapter authorizing the sale of beverages to him.

- (2) No retailer shall purchase any alcoholic beverages from anyone other than a licensed wholesaler, nor shall any wholesaler sell any alcoholic beverages to any one other than a licensed retailer.
- (3) No licensee shall sell intoxicating liquors at retail in connection with any other business or in the same store where any other business is carried on.
- (4) No holder of a license for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit or procure to be sold or delivered, any alcoholic beverages on credit.
- (5) No alcoholic beverages shall be sold for consumption on the premises of the seller.
- (6) To the fullest extent, consistent with the nature of the establishment, full, free, and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale or dispensing of alcoholic beverages there sold or dispensed.
- (7) No form of entertainment, including pinball machines, music machines, or similar devices shall be permitted to operate upon any premises from which alcoholic beverages are sold, and no seating facilities shall be allowed in the public area.

inside the front glass of a retail store. The lettering on the permitted sign outside the building shall be paint, enamel, gold or silver leaf, or similar material used in sign painting. Electrically operated signs shall not be permitted outside the building. The use of the words "whiskey," "wine," "gin," "spirits" or any other word of similar connotation in a sign is prohibited. (1977 Code, § 2-116, as amended by Ord. #1,2016, March 2016)

- 8-117. Retailers not to solicit orders or make deliveries off their premises. No holder of a license issued shall employ any canvasser or solicitor for the purpose of receiving an order from a customer for any alcoholic beverages at the residence or place of business of such consumer. This paragraph shall not be construed so as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises. (1977 Code, § 2-117)
- **8-118.** Regulation of retailers. (1) No retailer shall directly or indirectly operate more than one (1) place of business for the sale of alcoholic beverages and the word "indirectly" shall include and mean any kind of interest in another place of business, by way of stock ownership, loan, partner's interest or otherwise.
- (2) No retailer shall sell, lend or give away any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell, lend or give away such beverages to any person accompanied by a person who is drunk.
- (3) No retailer shall sell, lend or give away any alcoholic beverages to a person under twenty-one (21) years of age.
- (4) No retailer shall sell, lend or give away any alcoholic beverages between 11 o'clock p.m. on Saturday and 8 o'clock a.m. on Monday of each week and between 11 o'clock p.m. and 8 o'clock a.m. Monday through Saturday.
- (5) No retailer shall sell, lend or give away any alcoholic beverages on Christmas or Thanksgiving Day. (1977 Code, § 2-118, as amended by Ord. #1,2016, March 2016)
- 8-119. Recorder authorized to examine books, etc., of licensees. The city recorder is authorized to examine the books, papers, and records of any dealer for the purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any such books, papers, or records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license or the refusal to issue a license. (1977 Code, § 2-119)
- 8-120. <u>Visible possession of unsealed containers on streets etc.</u>, **prohibited**. Visible possession of alcoholic beverages in unsealed containers

upon any public street or within any governmental building or on other governmental property shall be a violation of this chapter. (1977 Code, § 2-120)

8-121. On-premises consumption of alcoholic beverages lawful but subject to regulation. It shall hereafter be lawful to transport, store, sell, distribute, and possess alcoholic beverages for on-premises consumption provided such activities are conducted by a person duly licensed by the State of Tennessee pursuant to title 57 of the Tennessee Code Annotated to sell alcoholic beverages for on-premises consumption. (as added by Ord. #21-2003, Dec. 2003)

8-122. Levied on retail sale of alcoholic beverages for consumption on premises. (1) Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax upon each and every person, firm, and corporation engaging in the business of selling at retail in the City of Pulaski alcoholic beverage for consumption on the premises where sold. For the exercise of such privilege, the following taxes are levied for the City of Pulaski general fund purposes to be paid annually:

Private club\$150
Hotel and motel 500
Convention center
Premiere-type tourist resort
Restaurant, according to seating capacity, on licensed premises:
75-125 seats
126-175 seats
176-225 seats
226-275 seats
276 seats and over

If a restaurant is licensed by the Alcoholic Beverage Commission to sell wine only under <u>Tennessee Code Annotated</u>, § 57-4-101(n), the privilege tax imposed shall be one-fifth (1/5) the amount specified above.

Historic performing arts center
Urban park center
Commercial passenger boat
Historic mansion house site
Historic interpretive center
Community theatre
Zoological institution
Museum
Establishment in a terminal building of a commercial
air carrier airport 500
Commercial airline travel club
Public aquarium

- (2) Every person, firm, and corporation engaging in the business of selling at retail in the City of Pulaski alcoholic beverage for consumption on the premises where sold shall, before commencing business, pay the privilege tax to the city and receive a license to be displayed at all times at the business location.
- (3) No tax authorized or imposed by this section shall be levied or assessed from any charitable, nonprofit or political organization selling alcoholic beverages at retail pursuant to a special occasion license. (as added by Ord. #20-2003, Nov. 2003)
- 8-123. <u>City recorder's responsibility</u>. It shall be the responsibility of the city recorder to insure that the city receives its share of the fifteen percent (15%) tax levied on the gross sales of alcoholic beverages sold at retail for consumption on premises and collected by the commissioner of the Alcoholic Beverage Commission under <u>Tennessee Code Annotated</u>, § 57-4-301(c) and distributed to the state and its political subdivisions under <u>Tennessee Code Annotated</u>, § 57-4-306. (as added by Ord. #20-2003, Nov. 2003)
- 8-124. Employees liable for violation of chapter. Any employee of any holder of a state or local permit to sell alcoholic beverages who violates the provisions of this chapter or any provision of title 57, Tennessee Code Annotated, while so employed by such permit holder shall be guilty of a misdemeanor. (as added by Ord. #21-2003, Dec. 2003)

BEER

SECTION

- 8-201. Beer lawful but subject to regulation.
- 8-202. "Beer" defined.
- 8-203. Beer board established.
- 8-204. Meetings of the beer board.
- 8-205. Record of beer board proceedings to be kept.
- 8-206. Requirement for beer board quorum and action.
- 8-207. Powers and duties of the beer board.
- 8-208. Permit required for engaging in beer business.
- 8-209. Restrictions upon granting permits.
- 8-210. Application for retail permit; requirements as to applicants; regulations to be followed and shown in the application.
- 8-211. Beer permits shall be restrictive.
- 8-212. Permits not transferable.
- 8-213. Duration of permit.
- 8-214. Display of permit.
- 8-215. [Deleted.]
- 8-216. Interference with public health, safety, and morals prohibited.
- 8-217. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-218. Issuance of permits to hotels, clubs, etc.
- 8-219. [Deleted.]
- 8-220. [Deleted.]
- 8-221. Minor, fraudulent evidence of age, etc., misdemeanor.
- 8-222. Investigation of applicant, agent, and/or employees.
- 8-223. Prohibited conduct or activities by beer permit holders.
- 8-224. Suspension and revocation of beer permits.
- 8-225. Employees liable for violations of chapter.
- 8-226. Civil penalty in lieu of revocation or suspension.
- 8-227. Loss of clerk's certification for sale to minor.
- 8-228. Temporary permits.

8-201. Beer lawful but subject to regulation. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the City of Pulaski, subject to all of the regulations, limitations, and restrictions hereinafter provided, and subject to the rules and regulations promulgated by public officials or boards. (1977 Code, § 2-201, as replaced by Ord. #11, 2013, Dec. 2013)

- **8-202.** "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 per cent (5%) by weight. (1977 Code, § 2-202, as replaced by Ord. #11, 2013, Dec. 2013)
- **8-203.** Beer board established. There is hereby established a beer board to be composed of all of the members of the governing body. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. (1977 Code, § 2-203, as replaced by Ord. #11, 2013, Dec. 2013)
- 8-204. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings following each regular meeting of the governing body at the city hall whenever there is business to come before the beer board. A special meeting of the beer board may be called by its chairman provided he gives a reasonable notice thereof and the board may adjourn a meeting at any time to another time and place. (1977 Code, § 2-204, as replaced by Ord. #11, 2013, Dec. 2013)
- 8-205. Record of beer board proceedings to be kept. The administrator shall make a separate record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provision of each beer permit issued by the board. The administrator shall also maintain an up to date list of the names and addresses of all beer permit holders. (1977 Code, § 2-205, as replaced by Ord. #11, 2013, Dec. 2013)
- 8-206. Requirement for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1977 Code, § 2-206, as replaced by Ord. #11, 2013, Dec. 2013)
- **8-207.** Powers and duties of the beer board. The 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. (1977 Code, § 2-207, as replaced by Ord. #11, 2013, Dec. 2013)

- 8-208. Permit required for engaging in beer business. No person shall engage in the storing, selling, distributing, or manufacturing of beer of alcoholic content of not more than five per cent (5%) by weight, or other beverages of like alcoholic content, within the corporate limits of the City of Pulaski, until he shall receive a permit to do so from the beer board of the City of Pulaski, which permit shall at all times be subject to all of the limitations and restrictions herein provided, and provided further that the applicant shall certify that he has read and is familiar with the provisions of this chapter.
- (1) Wholesalers: There is hereby imposed an annual privilege tax of one hundred dollars (\$100.00) on all persons storing, selling, or distributing beer at wholesale under the authority of Section 3(b) Public Chapter No. 297 of the Acts of Tennessee for the year 1993. (1977 Code, § 2-208, as replaced by Ord. #11, 2013, Dec. 2013)
- **8-209.** <u>Restrictions upon granting permits</u>. (1) No permit shall be issued to sell any beverage coming within the provisions of this section:
 - (a) In violation of any provision of the state law.
 - (b) In violation of the zoning ordinance of the City of Pulaski.
- (2) The judgment of the beer board on such matters shall be final except as same is subject to review at law under § 57-5-105, <u>Tennessee Code Annotated</u>. (1977 Code, § 2-209, as replaced by Ord. #11, 2013, Dec. 2013)
- 8-210. <u>Application for retail permit; requirements as to applicants; regulations to be followed and shown in the application</u>. (1) Each application for a beer permit shall reflect:
 - (a) Deleted.
 - (b) The location of the premises at which the business shall be conducted.
 - (c) The owner or owners of such premises.
 - (d) The names and addresses of all other persons or firms who have any financial interests whatsoever in the beer business proposed to be established.
 - (e) Whether the applicant will operate the business in person or by agent and if by agent, the name and address of such agent.
 - (f) Deleted.
 - (g) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.
 - (h) That no sale of such beverages will be made except in accordance with the permit granted.
 - (i) That if the application is for a permit to sell "not for consumption on the premises" that no sale will be made for consumption on the premises; that no consumption will be allowed on the premises thereof.

- (j) That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons to loiter around the place of business.
 - (k) Deleted.
- (2) The applicant must secure a certificate or a statement from the health department or health officer that the premises which the application covers meets the requirements of § 8-220 of this chapter.
- (3) The application shall be submitted to the city administrator at least fifteen (15) days prior to the beer board meeting at which it is to be considered. The administrator shall, within five (5) days after receipt of an application, notify each member of the beer board of such application.
- (4) No permit shall be issued by the beer board until the application therefor shall have been subscribed to and approved in writing by the city attorney. However, the city attorney is only authorized to disapprove applications when there is a failure to comply with a city ordinance or state law governing the issuance of permits.
- (5) The City of Pulaski, prior to its consideration of an application to engage in the sale of beer under this section for consumption for on or off premises, shall collect an application fee of two hundred fifty dollars (\$250.00) for use in offsetting the expenses of investigating the applicant. Regardless of whether an application is approved or denied, any portion of the fee collected in excess of that actually used in investigation shall become the property of the City of Pulaski at the end of each calendar year, to be used at the discretion of the governing body, and the city shall not require periodic renewal of beer permits or licenses in conformity with § 57-5-108, Tennessee Code Annotated.
- (6) Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any firm, persons, corporation, joint stock companies, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994 and each successive January 1 to the City of Pulaski, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a pro rated basis for each month or portion thereof remaining until the next tax payment date.
- (7) Penalty for failure to pay tax. The city shall mail written notice to each permit holder of the payment date of the annual tax at least thirty (30) days prior to January 1. Notice shall be mailed to the address specified by the permit holder on his permit application. If a permit holder does not pay the tax by January 31 or within thirty (30) days after written notice that the tax was mailed, whichever is later, then the city shall notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within ten (10) days after receiving notice of delinquency by certified mail, then the permit shall be void. (1977 Code, § 2-210, as amended by Ord. #3,

2000, July 2000, Ord. #21-2003, Dec. 2003, and Ord. #2-2010, April 2010, and replaced by Ord. #11, 2013, Dec. 2013)

8-211. 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. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises 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 is understood that any permit for the sale of on premises consumption has the right to sell beer for off premises consumption, but that any permit for the sale of beer for off premises consumption may not sell beer for on premises consumption. (1977 Code, § 2-211, as replaced by Ord. #11, 2013, Dec. 2013)

- **8-212.** <u>Permits not transferable</u>. Beer permits shall not be transferable from one person to another or from one location to another. A new permit is required in the manner provided herein. (1977 Code, § 2-212, as replaced by Ord. #11, 2013, Dec. 2013)
- **8-213. <u>Duration of permit</u>**. Permits issued under the provisions of this chapter shall be issued until revoked or suspended, by change of location, sale of business, or otherwise goes out of business at the same location.

Nothing herein shall prevent a non-resident owner from presenting an application and having the same considered, so long as there is a responsible resident manager, and so long as the other provisions of the law are complied with.

It is the legislative intent of this amendment to provide that, and to comply with, the new state law that new managers of chain-type restaurants or grocery stores not be required to have a new permit and a new inspection fee each time that a manager is replaced. The same rules would apply to a resident owner who employees a qualified and responsible resident manager, so long as the other provisions of the state law and this chapter are complied with. (1977 Code, § 2-213, as replaced by Ord. #11, 2013, Dec. 2013)

- **8-214.** <u>Display of permit</u>. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses, and stamps as required by law. (1977 Code, § 2-214, as replaced by Ord. #11, 2013, Dec. 2013)
- **8-215.** [Deleted.] (1977 Code, § 2-215, as deleted by Ord. #3, 2000, July 2000, and replaced by Ord. #11, 2013, Dec. 2013)

8-216. <u>Interference</u> with <u>public</u> health, <u>safety</u>, <u>and morals</u> <u>prohibited</u>. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals.

No permit authorizing the sale of beer will be issued for any place of business located on the public square of Pulaski, or within an area of one (1) city block on all sides thereof, unless the applicant for such permit either

- (1) Is a nonprofit entity,
- (2) Is an event center with a business license issued by the city authorizing the business to host public events, or
 - (3) Operates a restaurant meeting the following criteria:
 - (a) Having adequate and sanitary kitchen and dining room equipment and a seating capacity for at least fifty (50) persons at tables,
 - (b) Serving one (1) meal a day at least five (5) days a week with the exception of holidays and the serving of meals shall be the principal business conducted,
 - (c) Deriving at least fifty percent (50%) of its gross revenue from food sales.
 - (d) No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property nor in the window of the permit holder, and
 - (e) On or before January 1 of each year, the permit holder shall furnish the City Administrator of the City of Pulaski a certified breakdown of all revenue derived from the sale of food, the sale of beer and the sale of alcoholic beverages, respectively. Notwithstanding the foregoing, the board of mayor and aldermen may demand such receipts be furnished to the city administrator more frequently.

No permit authorizing the sale of beer for "on premises consumption" or "off premises consumption" will be issued for any place of business where the building is located within two hundred feet (200') of any public playground or building housing any church, school, or any successor state or federally recognized licensing agent. Said two hundred feet (200') limitation shall be calculated and measured from the nearest point of the building where the owner or lessee is seeking a beer permit to the nearest point in the building on a place where the church building is located or the school, or in the case of a public playground, from the nearest point of the building where the owner or lessee is seeking a beer permit to the nearest point of the property line of said playground.

The two hundred feet (200') distance limitation shall not apply to businesses who meet the qualifications to obtain a liquor by the drink permit from the Alcoholic Beverage Commission of the State of Tennessee, and the City of Pulaski shall grant a retail beer permit to those businesses who so qualify and

obtain a permit to sell liquor by the drink. Furthermore, the two hundred foot (200') distance limitation shall not apply to existing businesses. Provided, however, if any permit holder goes out of business for any reason and his place is closed for as much as ninety (90) days before a new purchaser takes over, then no new permit may issue to the subsequent purchaser. If a subsequent purchaser elects during that ninety (90) day period to make application for a retail beer permit, the fifteen (15) day waiting period provided for in this chapter will not be counted against him.

"Public playground" shall be defined as property owned by the City of Pulaski or the County of Giles upon which playground equipment or athletic facilities are located.

The two hundred foot (200') distance requirement prohibition shall not apply to an off-premises consumption permit for a retail grocery store operating in a facility of at least five thousand (5,000) square feet of retail floor space and generating at least fifty percent (50%) of its gross revenue from the sale of grocery items other than beer. Retail floor space does not include walk-in coolers, kitchen, bathroom, etc. Notwithstanding the foregoing, a retail grocery store holding an off-premises consumption beer permit shall conduct its business in a manner so as to avoid congestion of traffic or interference with schools, churches, or places of public gathering, nor have an adverse effect on public health, safety and morals.

A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business. The distance should measure from the edge of the patio, deck, or outside serving area. (1977 Code, § 2-216, as amended by Ord. #4, 2006, Feb. 2006, Ord. #1,2008, March 2008, and Ord. #2-2010, April 2010, replaced by Ord. #11, 2013, Dec. 2013, and amended by Ord. #4,2018, June 2018, Ord. #5, 2018, June 2018, and Ord. #7,2018, July 2018)

8-217. <u>Issuance of permits to persons convicted of certain crimes prohibited</u>. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating beverages or any crime involving moral turpitude within the past ten (10) years.

It shall be the sole responsibility of the permit applicant to prove to the satisfaction of the beer board that said applicant has not been convicted of the aforesaid offenses within the past ten (10) years.

Permit holders who are convicted of any of the aforesaid offenses after having been issued a beer permit shall be obligated to report said conviction to the beer board. A hearing before the beer board shall be convened, at the beer

¹State law reference Tennessee Code Annotated, § 57-5-103.

board's discretion, to determine the effect such a conviction shall have on the status of the permit holder's permit. A conviction under this section shall constitute grounds for the immediate revocation of convicted permit holder's beer permit. (1977 Code, § 2-217, as amended by Ord. #2-2010, April 2010, and replaced by Ord. #11, 2013, Dec. 2013)

- 8-218. Issuance of permits to hotels, clubs, etc. It shall be lawful for the beer board to issue a permit for the sale of any beverage coming within the provisions of this chapter, to hotels, motels, clubs, and lodges, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided by this chapter. (1977 Code, § 2-218, as replaced by Ord. #11, 2013, Dec. 2013)
- **8-219.** [Deleted.] (1977 Code, \S 2-219, as deleted by Ord. #2-2010, April 2010, and replaced by Ord. #11, 2013, Dec. 2013)
- **8-220.** [Deleted.] (1977 Code, § 2-220, as deleted by Ord. #2-2010, April 2010, and replaced by Ord. #11, 2013, Dec. 2013)
- 8-221. Minor, fraudulent evidence of age, etc., misdemeanor. It shall be unlawful for any minor to purchase, attempt to purchase, or to possess any such beverage covered under this chapter, or for anyone to purchase such beverage for a minor. It shall be unlawful for any minor present to offer to any permittee, his agent, or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase such beverages. Any minor who acts in violation of any one or more of the provisions of this section shall be taken before the juvenile judge for appropriate disposition. (1977 Code, § 2-221, as replaced by Ord. #11, 2013, Dec. 2013)
- 8-222. <u>Investigation of applicant, agent, and/or employees</u>. Applicants for retail permits under this section are subject to be investigated by municipal, county, and state authorities. (1977 Code, § 2-222, as amended by Ord. #2-2010, April 2010, and replaced by Ord. #11, 2013, Dec. 2013)
- 8-223. <u>Prohibited conduct or activities by beer permit holders</u>. It shall be unlawful for any beer permit holder, employee or any other person employed in the sale of beer to:
- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating beverages, or any crime involving moral turpitude within the past ten (10) years unless such person is currently certified as a responsible vendor with the Tennessee Alcoholic Beverage Commission

pursuant to the "Tennessee Responsible Vendor Act of 2006," <u>Tennessee Code Annotated</u>, § 57-5-601, <u>et seq</u>.

- (2) Employ any minor under eighteen (18) years of age in the sale, service, or dispensing of beer at retail except in grocery stores where sales are made for off premise consumption.
- (3) Make or allow any sale of beer between the hours of 3:00 A.M. and 6:00 A.M., during any day of the week or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday.
- (4) Allow any loud, unusual, or obnoxious noises to emanate from his premises.
- (5) Make or allow any sale of beer to a minor under twenty-one (21) years of age.
- (6) Allow any person under the age of eighteen (18) years of age to loiter in or about his place of business.
- (7) Make or allow any sale of beer to any intoxicated person or to any feeble minded, insane, or otherwise mentally incapacitated person.
- (8) Allow drunk or disreputable persons, or persons of questionable character to loiter about his premises.
- (9) 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 unless the permit holder is properly licensed to do so by the Tennessee Alcoholic Beverage Commission.
 - (10) Definitions.
 - (a) "<u>Licensee</u>." A person, partnership or corporation who holds a beer permit issued by the City of Pulaski.
 - (b) "Live performances." Shall be deemed for the purpose of this chapter to mean any person who for consideration, monetary or otherwise, performs in person on a licensed premise as a singer, musician, dancer, comedian or model.
 - (c) "Beer permit holder." Any person, partnership, or corporation who holds a permit from the City of Pulaski for the sale of beer or other beverage of alcoholic content of not more than five percent (5%) by weight.
- (11) <u>Live performances nudity prohibited</u>. No live performances are permitted on a licensed premise which involve the removal of clothing, garments or any other costumes. Such prohibition does not include the removal of headwear or footwear; sweater or similar outer garments. Incidental removal for purposes of this section shall mean the removal of a garment or article of clothing which is not a part of the act or performance. The restriction applies to all licensed premises.
- (12) <u>Entertainment restricted</u>. No entertainment on a licensed premise shall contain:

- (a) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation of any sexual acts which are prohibited by law;
- (b) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;
- (c) The actual or simulated display of the pubic hair, anus, vulva or genitals; or the nipples of a female.
- (13) <u>Nudity prohibited</u>. It shall be unlawful for any licensee, employee, agent of licensee, patron or guest of licensee to:
 - (a) Appear with his or her genitals or pubic region less than completely covered by an opaque substance or material;
 - (b) Appear with his or her buttocks less than completely covered by an opaque substance or material; or
 - (c) Any female to appear with either or both of her breasts less than completely covered by an opaque substance or materials below the uppermost or highest part of the areola.
- (14) <u>Films and pictures restrictions</u>. It shall be unlawful for any licensee, any employee, or agent to permit or allow the showing of film, still pictures, electronic reproductions, or other visual reproductions depicting:
 - (a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - (b) Any person being touched, caressed, or fondled on the breasts, buttocks, anus or genitals;
 - (c) Scenes wherein a person displays the vulva, anus, or genitals; or
 - (d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above in (a) through (c).
- (15) <u>License revoked or suspended</u>. Any licensee violating these sections shall have its license revoked or suspended as provided by this chapter.
- (16) <u>Penalty</u>. Any licensee, employee, agent, or person violating these sections shall be guilty of a misdemeanor and punished in accordance with the penalty clause of the Municipal Code of the City of Pulaski.
- $(17) \quad \text{Fail to provide and maintain separate sanitary toilet facilities for men and women. } (1977\,\text{Code}, \S\,2\text{-}223, \text{ as amended by Ord.}\#14, 1996, \text{Dec. } 1996, \text{Ord.}\#3, 2000, \text{July } 2000, \text{Ord.}\#6, 2003, \text{March } 2003, \text{Ord.}\#7, 2003, \text{March } 2003, \text{Ord.}\#21\text{-}2003, \text{Dec. } 2003, \text{Ord.}\#3\text{-}2004, \text{March } 2004, \text{Ord.}\#2, \text{June } 2007, \text{ and } \text{Ord.}\#2\text{-}2010, \text{April } 2010, \text{ and replaced by Ord.}\#11, 2013, \text{Dec. } 2013)$
- **8-224.** <u>Suspension and revocation of beer permit</u>. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

Pursuant to <u>Tennessee Code Annotated</u>, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of <u>Tennessee Code Annotated</u>, § 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 <u>Tennessee Code Annotated</u>, § 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 the a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board, and the board is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked.

Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated the provisions of the state beer act or any of the provisions of this chapter, the board is authorized to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department of the City of Pulaski. The notice shall be served upon the permittee at least five (5) days before the date of the hearing. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final, subject to review by the courts as provided in the state beer act. (1977 Code, § 2-224, as amended by Ord. #2, June 2007, and Ord. #2-2010, April 2010, and replaced by Ord. #11, 2013, Dec. 2013)

8-225. Employees liable for violations of chapter. Any employee of any permittee who violates the provisions of this chapter or any provision of the state beer act while so employed by such permittee shall be guilty of a misdemeanor. (1977 Code, § 2-225, as replaced by Ord. #11, 2013, Dec. 2013)

8-226. Civil penalty in lieu of revocation or suspension.

- (1) <u>Definition</u>. "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," <u>Tennessee Code Annotated</u>, § 57-5-601, <u>et seq</u>.
- (2) <u>Penalty, revocation or suspension</u>. 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 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 city may impose. (as added by Ord. #2, June 2007, and replaced by Ord. #11, 2013, Dec. 2013)

- 8-227. 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. (as added by Ord. #2, June 2007, and replaced by Ord. #11, 2013, Dec. 2013)
- **8-228.** <u>Temporary permits</u>. Temporary beer permits may be issued to nonprofit applicants at the request of an applicant upon the same terms and conditions governing permanent permits. Temporary permits shall be issued as one (1) of two (2) types:
- (1) A single event permit. A single event permit shall be valid for a maximum of ten (10) days, with the actual number of days to be determined by the beer board based upon the information provided by the applicant.
- (2) <u>A multiple event permit</u>. A multiple event permit may be issued for a fixed number of events during a calendar year. The exact dates and locations of each event must be approved by the beer board at the time of issuance of the permit, or if exact dates are not known at the time of permit

issuance, subsequent approval at a future beer board meeting must be obtained prior to the event.

If the events covered by a temporary permit will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the temporary permit application. Such a temporary permit shall not allow the sale, storage or manufacture of beer on publicly owned property.

Notwithstanding, § 8-216 of the Pulaski Municipal Code, the beer board is authorized to place any and all restrictions it deems necessary on temporary permits, including but not limited to restricted hours of sale and limitations on the number of sale locations/stations or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order. The following provisions shall also apply to temporary permit holders:

- (a) Deleted.
- (b) A temporary permit holder shall be prohibited from making or allowing any sale of beer between the hours of 3:00 A.M. and 6:00 A.M., during any day of the week or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday, pursuant to § 8-223(3) of this chapter.
- (c) Temporary permits may be issued to applicants who intend to operate in a place that is temporary in nature. That is, there are no frontage, curtain, blind, or lighting requirements as provided for in § 8-219¹ of this chapter.
- (d) A temporary permit holder shall not be subject to the annual privilege tax or application fee of § 8-210 of the municipal code. There is hereby imposed an application fee of fifty dollars (\$50.00) for applying for a temporary permit and all other provisions of § 8-210 governing the issuance of a permit shall apply.
- (e) The application for a temporary beer permit shall set forth the following information:
 - (i) The name, address, and telephone number of the chairperson of the charitable or nonprofit organization seeking a temporary beer permit;
 - (ii) The name, address, and telephone number of the person responsible for beer sales under the permit;
 - (iii) The date and time when the event will be held;
 - (iv) The hours which beer sales will be conducted during the event; and
 - (v) The proposed location for beer sales. (as added by Ord. #7-2009, Sept. 2009, and replaced by Ord. #11, 2013, Dec. 2013)

 $^{^{1}}$ § 8-219 was deleted by Ord. #2-2010, April 2010.

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.1

CHAPTER

- 1. MISCELLANEOUS.
- 2. PEDDLERS, ETC.
- 3. CHARITABLE SOLICITORS.
- 4. [DELETED.]
- 5. [DELETED.]
- 6. [DELETED.]
- 7. [DELETED.]
- 8. [DELETED.]
- 9. DISTRIBUTION OF HANDBILLS, ETC.
- 10. RATES FOR BASIC CABLE TV SERVICE.
- 11. LICENSING AND REGULATION OF ADULT BUSINESS.

CHAPTER 1

MISCELLANEOUS

SECTION

9-101. [Deleted.]

9-102. [Deleted.]

- **9-101.** [Deleted.] (1977 Code, § 5-101, as deleted by Ord. #3, 2000, July 2000)
- **9-102.** [Deleted]. (1977 Code, § 5-102, as deleted by Ord. #6, 2012, Sept. 2012)

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

¹Municipal code references

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.
- 9-214. Owners' and landlords' responsibilities.
- **9-201.** Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1977 Code, § 5-201)
- **9-202.** Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1977 Code, § 5-202)
- **9-203. Application for permit**. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:
 - (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

¹Municipal code references Privilege taxes: title 5.

- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
 - (5) The length of time for which the right to do business is desired.
- (6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.
- (7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility.
- (8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.
- (9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1977 Code, § 5-203)
- **9-204.** <u>Issuance or refusal of permit</u>. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.
- (2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.
- (3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1977 Code, § 5-204)
- **9-205.** Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at

- least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1977 Code, § 5-205)
- 9-206. <u>Bond</u>. Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1977 Code, § 5-206)
- **9-207.** Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1977 Code, § 5-207)
- 9-208. <u>Use of streets</u>. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1977 Code, § 5-208)
- **9-209.** Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1977 Code, § 5-209)
- **9-210.** Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1977 Code, § 5-210)

- **9-211.** Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:
 - (a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.
 - (b) Any violation of this chapter.
 - (c) Conviction of any crime or misdemeanor.
 - (d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- (2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.
- (3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1977 Code, § 5-211)
- **9-212.** Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1977 Code, § 5-212)
- 9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1977 Code, § 5-213)
- **9-214.** Owners' and landlords' responsibilities. Every owner or landlord, including motel owners and operators shall, immediately upon leasing or renting his premises to a peddler or itinerant merchant, notify the chief of police that he has leased or rented his property to such peddler or merchant for use in selling or displaying his wares. (1977 Code, § 5-214)

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.
- 9-305. Soliciting from persons in vehicles.
- 9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1977 Code, § 5-301)
- **9-302.** Prerequisites for a permit. The recorder shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:
- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity. Evidence of good character and reputation for honesty and integrity shall be furnished in the following manner: If the applicant be a resident of Giles County, Tennessee, then the application shall be accompanied by two certificates so stating, and if the applicant be a nonresident of Giles County, the application shall be accompanied by five (5) statements of good character and reputation for honesty and integrity by people living in the applicant's home community. Each statement shall contain the official title, if any, or the profession or occupation of the person making the statement.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose. Evidence of this will be a certificate attesting to such fact from a city official of the city where applicant's home office is located.

- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1977 Code, § 5-302)
- **9-303.** Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1977 Code, § 5-303)
- **9-304.** Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1977 Code, § 5-304)
- **9-305.** Soliciting from persons in vehicles. It is further prohibited for any solicitations to be conducted by the use of roadblocks or standing in the streets, stopping cars, or approaching cars while stopped in streets in conducting a solicitation. (1977 Code, § 5-305)

$\mathbf{CHAPTER}\ \mathbf{4}$

[DELETED.]

(as deleted by Ord. #10,2008, Sept. 2008)

[DELETED]

This chapter was deleted by Ord. #6, 2012, Sept. 2012

[DELETED]

This chapter was deleted by Ord. #6, 2012, Sept. 2012

[DELETED]

This chapter was deleted by Ord. #6, 2012, Sept. 2012

[DELETED.]

This chapter was deleted by Ord. #3, 2000, July 2000.

DISTRIBUTION OF HANDBILLS, ETC.

SECTION

- 9-901. Permit required for distribution.
- 9-902. Exception for violation notices and newspapers.
- 9-903. Application for permit; appeal of refusal.
- 9-904. Term of, and fee for, permits.
- 9-905. Revocation of permits; distribution on posted property.
- 9-906. "Distribution" defined.
- 9-907. Waiver of fee for churches.
- **9-901.** Permit required for distribution. No person or persons, firm, corporation, association or company shall distribute handbills, commercial or noncommercial advertising, samples, dodgers, circulars, booklets or other like types of advertisement, solicitations or other notices of such advertisement on the streets or sidewalks in the corporation limits or upon any public property owned or controlled by the city and/or county without first obtaining a permit from the city recorder of the City of Pulaski as hereinafter provided in this chapter. (1977 Code, § 5-901)
- 9-902. Exception for violation notices and newspapers. Nothing in this chapter shall prevent an enforcing officer of the city or county from attaching a violation notice on any motor vehicle nor shall this chapter prevent the distribution of newspapers provided, however, that said newspapers shall be so folded or otherwise secured as to prevent the same from separating and being subject to scattering by wind or otherwise. (1977 Code, § 5-902)
- 9-903. Application for permit; appeal of refusal. Any person or persons, firm, corporation, association or company desiring to obtain a permit to distribute in the city handbills, commercial or noncommercial advertising, samples, dodgers, circulars, booklets, or other types of advertisement, shall file an application in writing therefor with the city recorder, giving the name and address of the applicant, a general description of the handbills, commercial or noncommercial advertising, samples, dodgers, circulars, booklets, or other notice of such advertisement proposed to be distributed and shall agree to distribute such materials in accordance with the provisions of this chapter.

Any person aggrieved by the refusal of the city recorder to issue a permit may appeal to the board of mayor and aldermen by filing a written notice of appeal with said city recorder within five (5) days after receipt of actual notice of such refusal or after the mailing of such notice, which ever first occurs. After hearing the objections of such person and giving due consideration thereto the

action of the board of mayor and aldermen shall be final and conclusive. (1977 Code, § 5-903)

- **9-904.** Term of, and fee for, permits. The permit, when issued by the city recorder shall be for a fixed period of time not exceeding six months, and upon the issuance of such permit the applicant shall pay to said city recorder a filing or administrative fee of \$2.00 for each month or shorter period thereof, for which the permit is issued. (1977 Code, § 5-904)
- 9-905. Revocation of permits; distribution on posted property. The board of mayor and aldermen may at any time, revoke any permit issued under the provisions of this chapter for failure to comply with the demand, request, or notice of the owner, occupant, or person in charge of any premises that no such commercial or noncommercial advertising, etc., as hereinabove outlined be distributed on such premises, and in no event shall any material be distributed on any public or private property which is posted against the same, even though a city permit has been obtained, without the express written permission of the owner of such premises. (1977 Code, § 5-905)
- **9-906.** "Distribution" defined. "Distribution" as set out in this chapter shall mean and include the placing or posting of any advertising materials on any street, sidewalk, curb, utility pole, hydrant, tree, fence, gate, awning, pole, post or structure within the city limits of the City of Pulaski or upon any public property owned or controlled by the city and/or county. However, nothing in this section shall prohibit the owner of property from using his own property in such manner as will not violate any of the existing ordinances, including zoning ordinances, of the City of Pulaski. (1977 Code, § 5-906)
- **9-907.** Waiver of fee for churches. The city recorder shall grant a permit without any fee therefor to any church organization, or other religious organizations, provided the mayor of the City of Pulaski shall approve the same. (1977 Code, § 5-907)

RATES FOR BASIC CABLE TV SERVICE¹

SECTION

9-1001. Adoption of regulations. 9-1002. "Franchising authority."

9-1001. Adoption of regulations. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act certifying the city to regulate basic cable television service² within the boundaries of the city; and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the city, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (1977 Code, § 5-1001)

9-1002. "Franchising authority." Whenever the regulations cited in § 9-1001 refer to "franchising authority", it shall be deemed to be a reference to the Board of Mayor and Aldermen of the City of Pulaski. (1977 Code, § 5-1002)

¹See ordinances No. 13, 1966; 10, 1989; 26, 1990; 1-1994 and 11, 2007, of record in the recorder's office for the city's cable TV franchises.

²Municipal code reference Electricity: title 19

LICENSING AND REGULATION OF ADULT BUSINESS

- 9-1101. Definitions.
- 9-1102. License required.
- 9-1103. Application for license.
- **9-1101. Definitions**. (1) For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:
 - (a) "Adult entertainment" means the regular presentation, for the fee or incidentally to another service, of material or exhibitions distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.
 - "Adult entertainment establishment" means any commercial establishment--including but not limited to "adult bookstore," "adult video store," "adult theater," "adult nightclub," sexual encounter center, massage parlor, rap parlor, lingerie modeling, or sauna--which for a fee or incidentally to another service, regularly presents material or exhibitions distinguished or characterized by an emphasis on matter depiction, describing, relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein. Adult entertainment establishment further means any commercial establishment to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing sexually oriented motion pictures, sexually oriented movies, sexually oriented films, adult videos, or wherein an entertainer provides sexually oriented entertainment to a member of the public, a patron or a member.
 - (i) "Adult bookstore" means an establishment having any of its stock and trade in books, magazines, other periodicals, or any other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation of the patrons therein; or in conjunction therewith has facilities for the presentation of sexually oriented entertainment, including but not limited to sexually oriented films, or sexually oriented live entertainment, for observation by patrons therein.

- (ii) "Sexually oriented" means any exhibition of any motion pictures, films, videos, or live performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers which has a significant or substantial portion of such performance any actual or simulated performance of "specified sexual activities" or exhibitions and viewing of "specified anatomical areas."
- (iii) "Adult theater" means an enclosed building regularly used for presenting films, motion pictures, video cassettes, slides, or other photographic reproductions or other material depicting or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
- (iv) "Adult nightclub" means a theater, concert hall, auditorium nightclub, bar, restaurant, or similar commercial establishment which regularly features live performances that are characterized by any actual or simulated performance of "specified sexual activities" or the exposure of "specified anatomical areas," as defined below.
- (v) "Adult video stores" means a commercial establishment having any stock in "adult videos"--as defined below--which are rented or sold and presented for a fee or incidentally to another service; or in conjunction therewith, regularly presents on the premises sexually oriented motion pictures or sexually oriented films, "adult videos," or sexually oriented live exhibitions which are distinguished or characterized by an emphasis on matter depiction, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.
- (vi) "Adult services" means a video, CD, laser disk, or similar medium with a cover that depicts, "specified anatomical areas" or a transparent or less than opaque cover through which "specified sexual activities" or "specified anatomical areas" can be viewed.
- (c) "Aggravated rape" as defined in the <u>Tennessee Code</u> <u>Annotated</u>, § 39-15-502.
- (d) "Aggravated sexual battery" as defined in the <u>Tennessee</u> Code Annotated, § 39-15-504.
- (e) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment establishment.
- (f) "Entertainer" means any persons, including independent contractors, who work in or at or render any service directly related to the operation of an adult entertainment establishment.

- (g) "Indecent exposure" as defined in the <u>Tennessee Code</u> <u>Annotated</u>, § 39-15-511.
- (h) "Location" means a single site for which only one use and occupancy permit would be required.
- (i) "Obscenity" as defined in the <u>Tennessee Code Annotated</u>, § 39-17-901(10) through (14).
- (j) "Operator" means any person, partnership, or corporation operating, conducting or maintaining an adult entertainment establishment.
- (k) "Prostitution" as defined in the $\underline{\text{Tennessee Code Annotated}}$, § 39-13-512.
- (l) "Patronizing prostitution" as defined in the <u>Tennessee Code</u> <u>Annotated</u>, § 39-15-13-512.
- (m) "Promoting prostitution" as defined in the <u>Tennessee Code</u> <u>Annotated</u>, § 39-15-13-512.
- (n) "Rape" as defined in the <u>Tennessee Code Annotated</u>, § 39-15-503.
- (o) "Rape of a child" as defined in the <u>Tennessee Code</u> <u>Annotated</u>, § 39-15-522.
- (p) "Sexual battery" as defined in the <u>Tennessee Code</u> <u>Annotated</u>, § 39-15-505.
- (q) "Sexual exploitation of a minor" as defined in the <u>Tennessee</u> Code Annotated, § 39-17-1003, § 39-17-1004, and § 39-17-1005.
 - (r) "Specified sexual activities" means
 - (i) Human genitals in a state of sexual stimulation or arousal;
 - (ii) Acts of human masturbation, sexual intercourse or sodomy;
 - (iii) Fondling or erotic touching of human genital, pubic region, buttock or female breasts.
 - (s) "Specified anatomical areas" means
 - (i) Less than completely and opaquely covered:
 - (A) Human genitals; pubic region,
 - (B) Buttocks:
 - (C) Female breast below a point immediately above the top of the areola, and
 - (ii) Human male genitals in a discernibly turgid state, even if completely opaquely covered.
- (t) "Statutory rape" as defined in the <u>Tennessee Code</u> <u>Annotated</u>, § 39-15-506.
- (2) <u>Establishment</u>. An adult entertainment licensing board is hereby created and designated the City of Pulaski Adult Entertainment Licensing Board (herein "board").

- (3) <u>Membership--terms</u>. (a) The board shall consist of five members, who shall have been residents of the City of Pulaski for not less than one year, and who shall continue to be eligible so long as they reside within the city, to be appointed by the mayor and confirmed by a majority vote of the City of Pulaski council.
- (b) At least one of the five members shall be an attorney, and one of the five members shall be a health provider.
- (c) Of the five members first appointed, two shall be appointed for a term of two years, and two shall be appointed for a term of three years, and one shall be appointed for a term of four years. Thereafter, each member shall be appointed for a term of four years, and shall serve until his/her successor is appointed. Any vacancy other than the expiration of terms shall be filled for the un-expired term.
- (4) <u>Election of officers--terms</u>. The board shall organize by the election of a chair and a vice-chair, who shall serve for a period of one year or until a successor shall have been chosen.
 - (5) Meetings--quorum required--minutes and transcript. (a) The board shall hold two regular meetings each month at a time fixed by the board, and may hold such special meetings as may be necessary.
 - (b) The attendance of at least a majority of the members of the board, not including unfilled positions, shall be required to constitute quorum for the purpose of transacting business.
 - (c) Minutes shall be kept of the meetings in permanent form and a record shall be kept of the action of the board with respect to every application for a license and/or a permit. The concurring vote of a majority of the members present and voting shall be necessary for the granting, revoking, suspending or any other action involving licenses or permits.
 - (d) No transcript of the proceedings had before the board shall be in any form other than narrative, unless the board shall have been requested to provide for an exact copy of the testimony by an interested party at least twenty-four hours prior to a board meeting. The cost of an exact copy shall be borne by the person requesting the same.
 - (6) <u>Powers and duties</u>. (a) The board shall have jurisdiction over the licensing, regulating and controlling of all adult entertainment establishments as provided herein, located in the City of Pulaski.
 - (b) The board may promulgate such bylaws, rules and regulations not inconsistent with state law, the City of Pulaski charter, or any ordinance, as it deems appropriate for the conducting of its business.
 - (c) The board has the authority to subpoena witnesses to testify before the board.
- (7) <u>Inspectors--authority</u>. The board is empowered to employ suitable person(s) as inspectors which inspectors shall not hold any service status. The

board shall prescribe the duties of such inspectors so as to enforce the applicable provisions of this title.

- (8) <u>Procedures for hearings</u>. This section shall apply to all hearings by the board including but not limited to hearings for revocation, suspension, or denial of a license/permit.
 - (a) Upon receiving written request for a hearing, the board shall send the party requesting the hearing a notice stating the time and place of the hearing and the right to be represented by counsel.
 - (b) At the hearing, the party requesting the hearing shall appear on him/her own behalf or be represented by counsel. All witnesses shall be sworn. The chair shall allow the party requesting the hearing to present witnesses on his/her own behalf and to cross-examine all witnesses testifying against him/her.
 - (c) All decisions of the board shall be in writing, setting forth the findings of the board, and shall be signed by the chair or vice-chair. Any decisions of the board to deny a renewal, suspend, or revoke a license/permit shall not take effect earlier than ten (10) days after the date the decision was rendered to allow the effected party adequate time to seek judicial review.
 - (d) Minutes shall be kept of all proceedings before the board in permanent form and a record shall be kept of all actions of the board with respect to all hearings.
 - (e) A record (which may consist of a tape or similar electronic recording) shall be made of all oral proceedings. The record must be maintained by the board for a period of ninety days. Such record or any art thereof shall be transcribed at the request of any party at such party's expense.
 - (f) Any party desiring a court reporter to be present at the hearing must arrange for the court reporter to be present. (Ord. #7, 1999, June 1999)
- **9-1102.** <u>License required</u>. (1) Except as provided in subsection (6) below, from and after the effective date of this chapter, no adult entertainment establishment shall be operated or maintained within the City of Pulaski without first obtaining a license to operate issued by the board.
- (2) Any person, partnership, or corporation which desires to operate more than one (1) adult entertainment establishment must have a license for each establishment.
- (3) Only one license may be issued for each adult entertainment establishment location.
- (4) No license or interest in a license may be transferred to any person, partnership or corporation.
- (5) It shall be unlawful for any entertainer or operator to work in or about, or to perform any service directly related to the operation of any

- unlicensed adult entertainment establishment. It shall be unlawful for any employee to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult entertainment establishment while adult entertaining is being presented.
- (6) All existing adult entertainment establishments at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the effective date of this chapter. If a license is not applied for within said one hundred-twenty-day period, then such existing adult entertainment establishment shall cease operations. (Ord. #7, 1999, June 1999)
 - **9-1103.** Application for license. (1) Application. (a) Any person, partnership, corporation or any other entity desiring to secure a license shall make application to the board. The applicant to the board. The applicant shall file the original application with six copies. The original application shall be dated by the board and held in the files of the board. A copy of the application shall be distributed promptly by the board to: the police department, the department of codes administration, the health department, the fire department, and to the applicant.
 - (b) Application forms shall be available at the office of the board.
 - (c) The application form shall include all the information indicated in subsection (e)(i) through (ii) hereof.
 - (d) The following persons must obtain a license: any partner of a partnership who will participate in the day to day operation of the business, any officer or director of a corporate applicant, and any stockholder holding a majority controlling percentage of the stock of a corporate applicant and who will participate in the day to day operation of the business.
 - (e) The applicant shall furnish the following information under oath:
 - (i) Name and address, including all aliases (business address is sufficient);
 - (ii) Proof that the individual is at least eighteen (18) years of age;
 - (iii) All residential addresses of the applicant for the past three (3) years (for the purpose of facilitating the police investigation into the applicants criminal background);
 - (iv) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application (for the purpose of facilitating the police investigation into the applicants criminal background.
 - (v) Whether the applicant previously operated in this or any other county, city or state under an adult entertainment establishment license or similar business license. Whether the

applicant has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;

- (vi) All violations, convictions, or any pleas of nolo contendere to any crime of rape, aggravated rape, aggravated sexual assault, statutory rape, rape of a child, sexual exploitation of a minor, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, obscenity or other similar crimes of a sexual nature, or any crime involving moral turpitude.
- (vii) All citations issued and sustained by a court within the past two years for violations of any provisions of the City of Pulaski Municipal Code applicable to adult entertainment establishments.
- (viii) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant, (for the purpose of facilitating the police investigation into the applicants criminal background).
- (ix) The address of the adult entertainment establishment to be operated by the applicant.
- (x) If the applicant is a corporation the application shall specify the name of the corporation the date and state of incorporation the name and address of the registered agent and the name and address of all officers and directors of the corporation, and any stockholder holding a majority controlling percentage of the stock of a corporate applicant and who will be involved in the day to day operation of the business.
- (xi) If the applicant is a partnership, joint venture, or any other type of business the application shall specify the name and address of all persons who will be involved in the day to day operation of the business.
- (xii) A statement by the applicant that he/she is familiar with the provisions of this chapter and is in compliance with them.
- (f) If the applicant intends to have both, stalls, cubicles, or rooms on the premises for the purpose of viewing sexually oriented movies, sexually oriented films, or adult videos, or sexually oriented live exhibitions, then along with the application, the applicant shall provide the board with his/her application a diagram, drawn to scale, of the premises including but not limited to the location and layout of all booths, stalls, cubicles, or rooms and the location of the clerk/managers stand or counter. Though the diagram shall be drawn to scale, it does not have to be professionally prepared.
- (2) <u>Inspections</u>. (a) The police department, building inspector and fire department, shall, upon receipt of a copy of the application, inspect the

premises to insure that the establishment complies with the City of Pulaski code including the applicable zoning ordinances, fire code, statues, ordinances and regulation and health code statutes, ordinances and regulations.

(b) The police department, building inspector, and fire department, shall complete their respective inspections and shall communicate the results of their respective inspections to the board in writing within thirty (30) days of receipt of the application. The writing shall end with one of the following statements:

The location at

complies with the relevant and applicable code sections applicable rules and regulations of the board.	and
The location at	does
not comply with the relevant and applicant code section	ns or
does not comply with the relevant and applicable rules	and
regulations of the board. It is in violation of the follow	wing
provisions: Section numbers of code violations.	_

- (c) If the building/structure has a valid use and occupancy permit, the applicant shall provide the board with a copy of the valid use and occupancy permit which shall be made part of the file.
- (3) Board action on inspection results. (a) Within twenty (20) days of receiving the results of the investigation conducted by the police department, codes department, fire department, and health department the board will meet and determine if the applicant is in compliance with the applicable statutes, ordinances, and regulations. If the board determines that the applicant is in compliance with the applicable statutes, ordinances, and regulations, including but not limited to the zoning code, and the applicant has not committed any of the crimes listed herein, is at least eighteen years of age, and has not given any false or misleading information on the application or omitted any material facts from the application then the board shall grant the license.
- (b) Any applicant convicted of or who pleaded nolo contendere to any crime of rape, aggravated rape, aggravated sexual assault, statutory rape, rape of a child, sexual exploitation of a minor, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, obscenity, or other similar crime of a sexual nature, or any crime involving moral turpitude in any jurisdiction shall be ineligible to receive a permit for the time period described below. Such denial and the reason for the denial shall be mailed to the applicant within ten (10) days of receiving the results of the investigation. The applicant may re-apply to the board once the time period has expired.

- (i) If the conviction or plea was for a misdemeanor violation then the applicant shall be ineligible to receive a permit for two (2) years from the date of the conviction, plea, or release from confinement imposed for the conviction whichever is later.
- (ii) If the conviction or plea was a felony violation then the applicant shall be ineligible to receive a permit for five (5) years from the date of the conviction, plea, or release from confinement imposed for the conviction whichever is later.
- (iii) The time is computed from the date of the application to the date of the conviction, plea, or release from confinement based on the conviction.
- (c) If it is determined by the board, using the application and investigation information, that the applicant has violated the provision of the zoning code applicable to adult entertainment within the past two years, then the applicant is ineligible for a license for one (1) year from the date the citation was sustained. A violation of the zoning code shall be evidenced by a citation which has been sustained by the Municipal Court for the City of Pulaski.
- (d) If in the course of the investigation it is discovered any false or misleading statement or information was given on the application, or material facts were omitted from the applicant, the board shall deny the application. Moreover, the applicant shall be ineligible to receive a permit for one (1) year from the date of the application which contained the misleading statements or omissions unless the omission or misleading statement referred to the age of the applicant. (Ord. #7, 1999, June 1999)

TITLE 10

ANIMAL CONTROL

CHAPTER

- 1. IN GENERAL.
- 2. DOGS.

CHAPTER 1

IN GENERAL

- 10-101. Definitions.
- 10-102. Cruelty to animals.
- 10-103. [Deleted.]
- 10-104. Livestock at large; prohibited; impounding; sale.
- 10-105. Domestic fowl and other exotic game birds.
- 10-106. Keeping in such a manner as to become a nuisance prohibited.
- 10-107. Wild or dangerous exotic animals.
- 10-108. Confinement of rabies suspect, etc., dogs.
- 10-109. Impounding and disposition of dogs in violation of this chapter.
- 10-110. Protection for dogs.
- 10-111. Abatement of nuisance.
- 10-112. Vicious dogs.
- 10-113. Concealing dogs.
- 10-114. Stealing tags.
- 10-115. Dogs and cats to be vaccinated.
- 10-116. Location of dog kennel and dog run.
- **10-101. Definitions**. The following definitions shall apply in the interpretation and the enforcement of this chapter:
- (1) "At large." Any dog, except a dog that has been classified as vicious, that is off the premises of the owner, as defined herein, and not under the control of the owner or a member of the owner's immediate family over ten (10) years of age, by leash, but a dog not classified as vicious, upon the running board or in the bed of a truck or within an automobile shall be deemed upon the owner's premises.
- (2) "Commercial kennel or animal boarding facility." Any lot or premises which boards, grooms, or provides other on-site services to dogs owned by the public or operates a K-9 breeding facility on a for-profit basis.
- (3) "Dog." Any member of the species Canis Familiaris, male or female.

- (4) "Inoculation or vaccination." The subcutaneous injection at onetime, but in several sites if necessary, of a standard vaccine for dogs and cats which vaccine meets the standards prescribed by the United States Department of Agriculture or the United States Health Service for interstate sale.
- (5) "Leash." A cord, thong, or chain, not more than ten feet (10') in length, by which a dog is controlled by the person accompanying it.
- (6) "Nuisance." Any animal which exhibits the following shall be considered a nuisance animal:
 - (a) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages property of a member of the general public, or interferes with the ordinary use and enjoyment of their property.
 - (b) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:
 - (i) Failure to exercise sufficient restraint necessary to control the animal.
 - (ii) Allowing or permitting an animal to damage private or public property, other than its owner's property including streets, alleys, sidewalks, parks, and other public property.
 - (iii) Maintaining a vicious animal.
 - (iv) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare and safety.
 - (v) Allowing or permitting an animal to bark, whine, howl, crow or cackle in an excessive, continuous or untimely manner, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
 - (vi) Maintaining an animal that is diseased or dangerous to the public health.
 - (vii) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles.
 - (viii) Allowing an animal to desecrate or soil public or private property without removing the waste generated by the animal.
 - (ix) Maintaining an animal that has not been properly vaccinated.
- (7) "Officer." Any official with the power and authority of an officer of the peace, including deputy sheriffs, policemen of the city, and the rabies control officer.

- (8) "Owner." Any person owning, harboring, or keeping a dog, and the occupant of any premises on which a dog remains or to which it customarily returns is presumed to be the owner of the dog within the meaning of this chapter.
- (9) "Rabies control officer." That officer of the city acting under the direction and control of the board of mayor and aldermen, through their designee and under his authority, who is charged with the responsibility of enforcing the terms of this chapter, assists in maintaining the operation of an animal shelter, and is responsible for all other provisions contained herein.
- (10) "Stray dog." Any dog which has no apparent owner or one that has migrated from outside the city, and is at large, as is defined herein.
 - (11) "Vicious dog." A dog that meets the definition in § 10-120(1).
- (12) "Vicious dog declaration." A dog that has been found to meet the definition of a vicious dog and has been declared so by the owner, through a signed waiver of admission, or the declaration by a judge through the judicial process. (1977 Code, § 3-101, as replaced by Ord. #1-2010, Feb. 2010)
- **10-102.** Cruelty to animals. (1) It shall be unlawful for any person to over-drive, overload, torture, torment or deprive of necessary sustenance, or to cruelly beat, or needlessly mutilate or kill, or cause or procure to be over-driven, over-loaded, tortured, tormented, or deprived of necessary sustenance, or to be cruelly beaten, or needlessly mutilated or killed, as aforesaid, any living creature.
- (2) It shall be unlawful for any person to wilfully instigate, promote, or engage in, or do any act toward the furtherance of an act of cruelty to any animal.
 - (3) Animal care and manner of keeping. (a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:
 - (i) Clean, sanitary, and humane conditions:
 - (ii) Sufficient quantities of food and clean fresh water daily;
 - (iii) Proper air ventilation and circulation;
 - (iv) Sufficient shelter and protection from the elements and environment;
 - (v) Medical attention and/or necessary veterinary care when it is sick or diseased;
 - (vi) Annual inoculations, as recommended by a veterinarian, against disease infectious to humans or animals.
 - (b) It shall be unlawful for any person to tease or molest any animal.
 - (c) This section does not replace the criminal offense part of <u>Tennessee Code Annotated</u>, § 39-14-202, pertaining to cruelty to animals. (1977 Code, § 3-102, as replaced by Ord. #1-2010, Feb. 2010)

10-103. [Deleted]. (1977 Code, § 3-103, as replaced by Ord. #1-2010, Feb. 2010, and deleted by Ord. #6, 2012, Sept. 2012)

10-104. Livestock at large; prohibited; impounding, sale.

- (1) It shall be unlawful for the owner or others having care or custody of any horses, mules, hogs, goats, sheep, or any cattle or stock to knowingly permit the same to be at large upon the public streets, highways, alleys, parks, and other public places within the city.
- (2) It shall be the duty of the animal control officer or other designated employees of the city to take up any animals found at large within the city in violation of this section, and confine such animals in a pound or other appropriate place for five (5) days, giving notice of the same in writing, if the owner can be identified.
- (3) If within that time, the owners of such animals shall call for same, they shall be delivered to them upon the payment of the cost of keeping and feeding same.
- (4) If no person claims such animal within five (5) days, such animal shall be sold by the public works director or other designated employee of the city and the proceeds of the sale to be applied to the impounding fee and costs of keep; the remainder, if any, to be paid to the owner of such animal, if known, otherwise, to be paid into the city treasury. (1977 Code, § 3-104, as replaced by Ord. #1-2010, Feb. 2010)
- **10-105.** Domestic fowl and other exotic game birds. (1) It shall be unlawful for the owners or others having care and custody of any chickens, ducks, geese and other domestic fowl and exotic game birds to permit same to be at large on any private property, including that of the owners or those having the care and custody of same, or on any public street, highway, alley, park, and other public places and ways within the city.
- (2) Such domestic fowl and exotic game birds shall be confined in a coop or fowl house not less than eighteen inches (18") in height. The fowl must be kept within the coop or fowl house at all times. The coop or fowl house must be used for fowl only, and must be well ventilated. The coop or fowl house shall have a minimum of four (4) square feet of floor area for each fowl. The run must be well drained so there is no accumulation of moisture. The coop or fowl house shall be kept clean, sanitary, and free from accumulation of animal excretion and objectionable odors. The coop or fowl house shall be cleaned daily and all droppings and body excretion shall be placed in a flyproof container (such refuse shall not be placed in containers for city solid waste collection). The coop or fowl house shall be a minimum of twenty-five feet (25') from any property line. All portable coops or fowl houses including, but not limited to, pens, cages, crates,

- etc., shall not be located closer than twenty-five feet (25') from the side or rear property line.
- (3) No more than twenty (20) such fowl or exotic game bird(s) shall be kept or maintained per acre with the number of fowl proportionate to the acreage. In determining the number of domestic fowl permitted, only fowl six (6) months or older in age shall be counted. No domestic fowl or other exotic game birds shall be kept or maintained on a parcel of land less than five (5) acres in total area for one (1) parcel of property.
- (4) The raising of domestic fowl and other exotic game birds shall not be permitted within any residential district as defined by the Zoning Ordinance for the City of Pulaski and the Official Zoning Map for the City of Pulaski. (1977 Code, § 3-105, as replaced by Ord. #1-2010, Feb. 2010)
- 10-106. Keeping in such a manner as to become a nuisance prohibited. It shall be unlawful for any person to keep any animal or fowl in such a place or condition or allow such to occur, that becomes a nuisance either because of noise, odor, contagious disease, damage to the property of others, or for any reason constituting a nuisance and annoyance to persons other than the owners of said animal or fowl. (1977 Code, § 3-106, as replaced by Ord. #1-2010, Feb. 2010)
- 10-107. Wild or dangerous exotic animals. No person shall have, sell, keep or maintain any wild, dangerous exotic, dangerous, or non-domesticated animal within the city. "Wild, dangerous exotic, dangerous, or non-domesticated animal" shall be defined to include all animals classified as class I animals under Tennessee Code Annotated, § 7-4-403, as amended, and shall also include any wolf hybrid. (1977 Code, § 3-107, as replaced by Ord. #1-2010, Feb. 2010)
- 10-108. Confinement of rabies suspect, etc., dogs. (1) It shall be required that any dog that has bitten a human being or has shown symptoms of rabies, or is for any reason suspected of having rabies, shall be reported by any citizen with knowledge of same to the rabies control officer and said dog shall be immediately impounded, isolated and confined at the facility of a licensed veterinarian for such time as necessary to protect the safety of people or property. In addition to the pick-up fee and boarding fees provided for in this chapter, the owner of said impounded dog shall pay, any additional expenses that result from the confinement of the dog including court cost and veterinarian bills. All of said fees must be paid before the dog is relinquished to the owner at the end of the confinement. If the owner of the dog cannot be found, then the City of Pulaski shall be liable for any additional fees.

- (2) If the owner of any dog confined under subsection (1) of this section shall contest the validity or basis of said confinement, he shall file a petition contesting same before the city judge within five (5) days from the date of notice of confinement sent to him as is hereinafter provided, or within five (5) days of confinement, and the burden of proof shall be upon said owner to establish that said dog was not validly confined under the provisions of subsection (1) of this section. The decision of the judge in such cases shall be binding and final except that the owner shall have a right to appeal such decision to a court of competent jurisdiction. (as added by Ord. #1-2010, Feb. 2010)
- 10-109. Impounding and disposition of dogs in violation of this chapter. (1) It shall be the duty of the city to seize and impound when found or come upon, or upon the complaint of any person by swearing out a warrant, any stray dog; vicious dog; dog reported or suspected of having rabies; dog which is found to be a nuisance, all as defined herein; female dog in heat and unconfined; any dog found at large; and any dog in violation of this chapter. Any dog which has bitten a human being or is suspected of having rabies will be confined as is herein set out. Any stray dog, female dog in heat and not confined, "nuisance dog," or any dog at large shall be in violation of the provisions of this chapter and the owner thereof liable for the penal sanctions contained herein.
- (2) If said dog is wearing an identification tag, the owner shall be notified by telephone, or if not reachable by phone, by mail to appear before the person designated in said notice (rabies control officer or animal control designee) within five (5) days from the date of said notice, or to make other arrangements should such owner be unable to appear within five (5) days, and, except as hereinafter provided, to redeem his dog by accomplishing the following:
 - (a) Paying a pick-up fee as prescribed;
 - (b) Paying the sum prescribed for boarding fee or pound fee;
 - (c) Paying a fine of fifty dollars (\$50.00) if said dog is in violation of the provisions of this chapter; if said owner waives his right to have said matter heard in the court as is hereinafter set out; and
 - (d) Producing proof of current rabies inoculation or having same accomplished.
- (3) If the dog is not wearing an identification tag, the dog so seized and impounded shall be confined for a period of five (5) days, after which time it may be disposed of, as is hereinafter set out; provided that at any time after such seizure and impoundment and prior to disposition of said dog, the owner of a dog so seized and impounded may redeem said dog by a payment of the charges and fees set out in subsection (2) of this section, and complying with the other provisions hereof.
- (4) It shall be the duty of the rabies control officer, and/or other authorized persons, upon the issuing of a citation or swearing out of a warrant before the court by any person against any owner of any dog alleged to be in

violation of any of the provisions of this chapter and, after service of same has been accomplished, if seizing and impoundment is necessary in the sole judgment of the officer involved, to seize and impound any dog in violation hereof. At the discretion of the public works director or his assignee, the dog owner against whom said citation or warrant has been issued may redeem the dog as is hereinabove set out, and, as well, pay a fine at the tune of redemption of said dog upon said owner signing a waiver of his rights to have a citation or warrant heard and disposed of in the court, unless said citation or warrant constitutes the third or subsequent violation of this chapter, in which event no waiver shall be granted and the owner shall, in addition to the provisions contained herein, appear before the court at the time set forth in said citation or warrant, at which time the judge shall dispose of the case.

- (5) Any owner who does not desire to waive a hearing before the court shall at the time he redeems his dog as is set out in subsection (2) of this section, accept service of a citation or warrant against him if a citation or warrant has not previously been served upon him, which shall set forth the charges brought against him in violation hereof, at which time his case will be scheduled within five (5) days to appear before the court, at which time he may appear and present evidence in his own behalf.
- (6) Any persons aggrieved by the decision of the court shall have the right to appeal said decision as in other cases held in the court.
- (7) All fees and fines shall be paid by the owner who shall be given a receipt therefore, which shall be presented to the rabies control officer before said dog is relinquished to the owner or redeemer.
- (8) No dog shall be released, in any event, from the shelter unless and until it has been inoculated, and satisfactory proof thereof furnished to the officer or designee in charge of the dog shelter at that time.
- (9) If the dog owner to whom notice is sent does not redeem said dog or make arrangements for an extension of time within the five (5) day period provided, or if an untagged dog, then, at the end of the five (5) day period, said dog may be disposed of in the most humane way at the discretion of the rabies control officer under the direction and supervision of the director of public works. The owner of the dog, if known, shall still be responsible for all costs associated with the impoundment of the dog. The rabies control officer is to maintain records regarding the time and method of disposal of all dogs. (as added by Ord. #1-2010, Feb. 2010)
- **10-110.** <u>Protection for dogs</u>. (1) All dogs within the city are hereby declared to be personal property and subjects of larceny, and it shall be unlawful for any person except an officer or authorized agent of the city or other peace officer, deliberately or by any means, to kill or injure or detain or to attempt deliberately to kill, or injure, or detain any dog; provided, any citizen of the city may summarily destroy any dog, whether or not tagged, which gives

unmistakable evidence of being rabid or mad. The burden of proof that a dog did give such evidence shall be upon the person destroying the dog.

- (2) In case of accidental destruction or injury to a dog, the person causing such destruction or injury shall immediately report the same to the owner of the dog, or to the animal control division, giving his name and address.
- (3) It shall be unlawful for any person to place any poison of any description in any place, on his own premises or elsewhere, where it may be easily found or taken by dogs.
- (4) It shall be unlawful for any person to subject any dog, either his own or belonging to another, to any treatment which may reasonably be considered inhumane. (as added by Ord. #1-2010, Feb. 2010)
- 10-111. <u>Abatement of nuisance</u>. (1) Upon the issuance of any citation or warrant signed by any person that the owner of any dog within the city is in violation of the provisions hereof, in addition to the impoundment procedures hereinabove set out, said owner shall be required to appear before the court at the time designated in said citation or warrant, to answer the charges brought against him, at which time the prosecutor shall be present and shall present evidence for consideration by said court. If any owner shall be found in violation of the provisions hereof, he shall be fined fifty dollars (\$50.00), plus the costs of the cause, and shall be subject to whatever rules or stipulations as the judge shall impose and shall be subject to all other provisions of this chapter.
- (2) In addition to the penal provisions hereinabove set out, any citizen shall have the right to seek whatever legal redress such citizen desires in a court of competent jurisdiction to abate any nuisance created by the owner of any dog within the city. (as added by Ord. #1-2010, Feb. 2010)

10-112. <u>Vicious dogs</u>. (1) <u>Definitions</u>. (a) "Vicious dog" is:

- (i) Any dog with a known propensity, tendency or disposition or whose conduct indicates same, to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
- (ii) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
- (iii) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
- (b) No dog may be declared vicious as a result of injury or damage if, at the time of injury or damage, the victim of the injury or damage;
 - (i) Was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog;
 - (ii) Was teasing, tormenting, abusing or assaulting the dog; or

- (iii) Was committing or attempting to commit a crime. No dog may be declared vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack. No dog may be declared vicious if an injury or damage was sustained by a domestic animal, which, at the time of the injury damage, was teasing, tormenting, abusing or assaulting the dog.
- (c) "Vicious dog at large" is: Any dog which has been classified as vicious and/or is unattended, unrestrained by leash and muzzle, and/or unconfined as per the restrictions outlined in this section either on its own property or on the property of someone other than its owner.
- (2) Responsibilities of the owner of a vicious dog. (a) The owner of a vicious dog shall not permit the dog to go unconfined.
- (b) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides which shall be made of nine (9) gauge wire, or stronger, and inspected and approved by the animal control officer. The pen must be a minimum of five feet by ten feet (5' x 10') or a minimum of fifty (50) square feet. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. This structure must be at last ten feet (10') from an adjoining property owner's property; this structure shall leave an outer fence three feet (3') from the interior fence constructed of at least the same gauge material.
- (c) Leash and muzzle. The owner of a vicious dog shall not allow or permit the dog to go unconfined unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of an adult. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- (d) Signs. The owner of a vicious dog shall display at all entry points on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal. The sign shall be made with reflective letters not less than one and one-half inches (1.5") in width and one and one-half inches (1.5") in height and reading "Beware of Vicious Dog."
- (e) Insurance. Owners of vicious dogs must provide proof to the city recorder of liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) insuring the owner for any personal injuries inflicted by his or her vicious dog.

- (f) The owner must register the dog with the animal control division, must allow inspection of the dog and its enclosure by animal control, and must produce, upon demand, proof of compliance with such restrictions.
- (g) The owner of a dangerous dog shall not permit such a dog to be chained, tethered, or otherwise tied to any inanimate object such as a tree, post, or building, inside or outside of its own separate enclosure.
- (h) A dog declared to be vicious shall be photographed by animal control for future identification purposes.
 - (i) Neutering or spaying of the dog.
- (j) Implantation of an identification microchip in such dog; the serial number of the identification chip must be supplied to animal control.
- (k) Notification in writing to the animal control department of the location of the dog's residence, temporary or permanent, including prior notice of plans to move the dog to another residence within the city or outside of the city and/or notification of transfer of ownership of the dog. The city shall be notified within forty-eight (48) hours of the death of the dog.
- (l) Any other reasonable requirement specified by the court. The owner must pay the cost of all such restrictions and requirements.
- (3) <u>Observation, seizure, impoundment and disposition of vicious dogs.</u>
- (a) In the event that a vicious dog is found to be in violation of this chapter, thereby creating a hazard to person or property, such animal may, in the discretion of the animal control officer or police officer, be destroyed if it cannot be confined or captured.
 - (b) Upon the complaint of an individual that a person is keeping a vicious dog on premises in the City of Pulaski, the animal control officer shall investigate, and if after investigation the facts indicate that the person named in the complaint is keeping a vicious dog in the city and that the dog is not in compliance with all requirements for possessing a vicious dog, the animal control officer may enter upon private premises in order to seize any such vicious dog, whether running at large or not. An animal so seized shall be impounded or guarantined at the animal shelter and shall not be released to the owner, but shall continue to be held at the expense of the owner, pending the outcome of the hearing. A written notice of the impoundment shall be given by the animal control officer to the person keeping the dog suspected to be vicious, and shall be served personally or by certified mail. If the dog has not attacked or bitten a person or other animal, the owner may waive a hearing by registering the dog as vicious and complying with all requirements within this chapter. The dog will not be released until those requirements have been satisfied and

the animal control officer has verified it, and all fees have been paid.

- (ii) If the owner does not declare the dog to be vicious, a citation or warrant shall also be served upon the keeper of said suspected vicious dog pursuant to the provisions found in this code.
- (c) Hearing on impoundment. The keeper of an. impounded dog shall have the right to appear at a hearing to contest the impoundment, and/or defend the charges set forth in the citation issued to him.
 - (i) The hearing shall be before a judge through the judicial process, and shall be conducted as are other matters in the court. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.
 - (ii) After considering all of the relevant evidence, the judge shall issue a decision and may order the destruction of the impounded dog, or may release the dog to its owner, conditioned upon the owner having complied with the requirements set forth in this section or with any other requirements necessary to protect the public health, or safety. The judge shall also determine if the keeper of said vicious dog has violated the provisions hereof and issue an order accordingly. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the city.
 - (iii) If the owner of an impounded dog fails to appear at a hearing, the dog shall be destroyed.
- (d) The animal control officer of the City of Pulaski shall have the authority to enforce this chapter without a warrant or citation if he observes a violation occurring in his presence.
- (4) <u>Vicious dog exemptions</u>. (a) The prohibitions contained in this section shall not apply to the keeping of vicious dogs in the following circumstances:
 - (i) The keeping of guard dogs, at both commercial establishments and residences, under the following provisions: Guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious dog pursuant to this section. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," or "vicious dog," and the signage shall comply with § 10-113(2)(d). The owner of such premises shall inform the chief of police and the animal control department in writing that a guard dog is on duty at said premises. Any gate to any fence enclosing guard dogs shall be kept closed and locked when persons are located upon the property housing them.
 - (ii) Animals under the control of a law enforcement or military agency.

- (5) <u>Penalty provisions</u>. It shall be unlawful for anyone to harbor or maintain or own a vicious dog as defined herein in violation of or in noncompliance with the provisions hereof and anyone who shall do so shall be subject to the general penalty provisions found in the code of ordinances of the City of Pulaski, Tennessee. (as added by Ord. #1-2010, Feb. 2010)
- **10-113.** <u>Concealing dogs</u>. Any person who shall hide or conceal or aid or assist in hiding or concealing any dog owned, kept or harbored in violation of any provisions of this chapter, shall be guilty of a misdemeanor and subject to fine as provided herein. (as added by Ord. #1-2010, Feb. 2010)
- **10-114.** <u>Stealing tags</u>. Anyone who shall steal or otherwise acquire and use a dog identification or rabies inoculation tag for which it was not issued shall be guilty of a violation of the provisions of this chapter and shall be fined. (as added by Ord. #1-2010, Feb. 2010)
- **10-115.** <u>Dogs and cats to be vaccinated</u>. Dogs and cats shall be vaccinated as required by <u>Tennessee Code Annotated</u>, § 68-8-104, as amended. (as added by Ord. #1-2010, Feb. 2010)
- **10-116.** <u>Location of dog kennel and dog run</u>. A dog kennel and/or dog run and/or associated appurtenances to same, whether permanent or portable, shall be located only within the rear yard of a property and shall be located a minimum of five feet (5') from all property lines. The dog kennel and/or dog run shall be well drained to prevent the accumulation of standing water and other conditions deemed a public nuisance. (as added by Ord. #1-2010, Feb. 2010)

DOGS

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Violations and penalties.
- 10-207. Seizure and disposition of dogs.
- 10-201. <u>Rabies vaccination and registration required</u>. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (<u>Tennessee Code Annotated</u>, §§ 68-8-101 through 68-8-114) or other applicable law. (1977 Code, § 3-201)
- **10-202.** <u>Dogs to wear tags</u>. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1977 Code, § 3-202)
- **10-203.** Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1977 Code, § 3-203)
- **10-204.** <u>Vicious dogs to be securely restrained</u>. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1977 Code, § 3-204)
- **10-205.** Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1977 Code, § 3-205)
- **10-206.** <u>Violations and penalties</u>. Any police officer observing a violation of any of the foregoing sections shall cite the owner or keeper of the dog to appear in city court. Any citizen witnessing a violation of any of the foregoing sections may likewise make a complaint and sign a warrant against the owner

¹State law reference

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

or keeper of the dog, which said warrant shall be served by any officer citing the defendant owner or keeper to appear in city court.

If the defendant is found guilty, the city judge will assess a penalty in accordance with section 5 of the adopting ordinance for this municipal code. (1977 Code, § 3-206)

10-207. Seizure and disposition of dogs. Upon the arrest of the owner or keeper of a dog which is in violation of the foregoing sections, the arresting officer shall hold the dog in the dog pound pending the hearing. If the owner or keeper is found not guilty, the case shall be dismissed and the dog returned to him. If the owner or keeper is found guilty of a violation of the rabies control sections, he may recover the dog by paying all fines and costs assessed by the court and the costs for keeping at the pound, inoculating, and tagging the dog.

If the owner or keeper be found guilty of a violation of §§ 10-203, 10-204, or 10-205, he may recover the dog by paying the fine and costs, the cost of keeping the dog at the pound, and upon presentation of satisfactory evidence to the health officer that the dog will be kept in conformity with the ordinances of the City of Pulaski.

If the owner or keeper of any dog not be known, then the provisions of § 10-107 will be applicable. However, in no event shall a dog be released from the pound unless it has been vaccinated and has a tag placed on its collar. (1977 Code, § 3-207)

¹State law reference

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

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

- 1. ALCOHOL.
- 2. [DELETED.]
- 3. OFFENSES AGAINST THE PERSON.
- 4. OFFENSES AGAINST THE PEACE AND QUIET.
- 5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
- 6. FIREARMS, WEAPONS AND MISSILES.
- 7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
- 8. MISCELLANEOUS.
- 9. PULASKI ANTI-LITTER ORDINANCE.

CHAPTER 1

ALCOHOL²

SECTION

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

11-102. Minors in beer places.

11-101. <u>Drinking beer, etc., on streets, etc.</u> It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption of such beverage. (1977 Code, § 10-228)

¹Municipal code references

Animals and fowls: title 10. Housing and utilities: title 12. Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

11-102. <u>Minors in beer places</u>. No person under the age of eighteen (18) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1977 Code, § 10-222, as amended by Ord. #3, 2000, July 2000)

[DELETED.]

This chapter was deleted by Ord. #3, 2000, July 2000

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. <u>Assault and battery</u>. It shall be unlawful for any person to commit an assault or an assault and battery. (1977 Code, § 10-201)

OFFENSES AGAINST THE PEACE AND QUIET

- 11-401. Disturbing the peace.
- 11-402. Anti-noise regulations.
- **11-401.** <u>Disturbing the peace</u>. 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. (1977 Code, § 10-202)
- 11-402. <u>Anti-noise regulations</u>. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.
- (1) <u>Miscellaneous prohibited noises enumerated</u>. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
 - (a) <u>Blowing horns</u>. The sounding of any horn or other device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
 - (b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.
 - (c) <u>Yelling, shouting, hooting, etc</u>. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or

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

- (d) <u>Pets</u>. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
- (e) <u>Use of vehicle</u>. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.
- (f) <u>Blowing whistles</u>. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- (g) <u>Exhaust discharge</u>. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.
- (i) <u>Noises near schools, hospitals, churches, etc.</u> The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.
- (j) <u>Loading and unloading operations</u>. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.
- (k) <u>Noises to attract attention</u>. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

- (l) <u>Loudspeakers or amplifiers on vehicles</u>. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (2) <u>Exceptions</u>. None of the terms or prohibitions hereof shall apply to or be enforced against:
 - (a) <u>City vehicles</u>. Any vehicle of the city while engaged upon necessary public business.
 - (b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.
 - (c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the governing body. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1977 Code, § 10-233)

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

- 11-501. Escape from custody or confinement.
- 11-502. Impersonating a government officer or employee.
- 11-503. False emergency alarms.
- 11-504. Resisting or interfering with an officer.
- 11-505. Coercing people not to work.
- 11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1977 Code, § 10-209)
- 11-502. <u>Impersonating a government officer or employee</u>. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1977 Code, § 10-211)
- 11-503. <u>False emergency alarms</u>. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1977 Code, § 10-217)
- 11-504. Resisting or interfering with an officer. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1977 Code, § 10-210)
- 11-505. <u>Coercing people not to work</u>. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1977 Code, § 10-230)

FIREARMS, WEAPONS AND MISSILES

- 11-601. Air rifles, etc.
- 11-602. Throwing missiles.
- 11-603. Weapons and firearms generally.
- 11-601. <u>Air rifles, etc</u>. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1977 Code, § 10-213)
- 11-602. <u>Throwing missiles</u>. It shall be unlawful for any person to throw any stone, snowball, bottle, or any other missile maliciously upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1977 Code, § 10-214)
- 11-603. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. This prohibition shall not apply to any person possessing a duly issued permit to carry a firearm so long as such firearms is possessed in a manner in conformance with such permit. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1977 Code, § 10-212, as amended by Ord. #3, 2000, July 2000)

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

- 11-701. [Deleted.]
- 11-702. Malicious mischief.
- 11-703. Interference with traffic.
- **11-701.** [Deleted]. This section was deleted by Ord. #3, 2000, July 2000. (1977 Code, § 10-221, as deleted by Ord. #3, 2000, July 2000)
- 11-702. <u>Malicious mischief</u>. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1977 Code, § 10-225)
- 11-703. <u>Interference with traffic</u>. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1977 Code, § 10-232)

MISCELLANEOUS

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. [Deleted.]
- 11-805. [Deleted.]
- 11-806. Malicious harassment.
- 11-801. <u>Abandoned refrigerators, etc.</u> It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1977 Code, § 10-223)
- 11-802. <u>Caves, wells, cisterns, etc.</u> It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1977 Code, § 10-231)
- 11-803. <u>Posting notices, etc.</u> No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1977 Code, § 10-227)
- **11-804.** [Deleted]. (1977 Code, § 10-224, as deleted by Ord. #6, 2012, Sept. 2012)
- **11-805.** [Deleted.]. This section was deleted by Ord. #3, 2000, July 2000. (1977 Code, § 10-235, as deleted by Ord. #3, 2000, July 2000)
- 11-806. <u>Malicious harassment</u>. (1) Purpose. -- The City of Pulaski finds and declares that it is the right of every person regardless or race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of groups and individuals. It is not the intent of this act to interfere with the exercise of rights protected by the constitution of the United States or the constitution of the State of Tennessee. The City of Pulaski recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to

associate with others who share similar beliefs. The City of Pulaski further finds that the advocacy of unlawful acts by groups or individuals against other persons or groups for the purpose of inciting and provoking damage to property and bodily injury or death to persons is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

- (2) Malicious harassment defined -- Prohibited. -- It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, to:
 - (1) Cause physical injury to another person; or
 - (2) Damage, destroy, or deface any real or personal property of another person; or
 - (3) Threaten, by word or act, to do the act prohibited if there is reasonable cause to believe that any of the acts described in subsections (a) and (b) of this section will occur.
 - (4) Incite others, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsections (a), (b) and (c) of this section will occur.

For purposes of this section "deface" shall include, but not be limited to, cross-burnings or the placing of any word or symbol commonly associated with racial, religious or ethnic terrorism on the property of another person without his or her permission.

- (3) Penalties -- criminal and civil. -- (1) Malicious harassment is punishable by imprisonment in the city or county jail for the maximum period allowed by law or by the maximum fine allowed by law or by both.
 - (2) The penalties provided in this section for malicious harassment do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law. (1977 Code, § 10-236)

PULASKI ANTI-LITTER ORDINANCE

- 11-901. Definitions.
- 11-902. Litter in public places.
- 11-903. Placement of litter in receptacles so as to prevent scattering.
- 11-904. Sweeping litter into gutters prohibited.
- 11-905. Merchants' duty to keep sidewalks free of litter.
- 11-906. Litter thrown by persons in vehicles.
- 11-907. Truck loads causing litter.
- 11-908. Litter in parks.
- 11-908. Litter in lakes and fountains.
- 11-910. Throwing or distributing commercial handbills in public places.
- 11-911. Placing commercial and non-commercial handbills on vehicles.
- 11-912. Depositing commercial and non-commercial handbills on uninhabited or vacant premises.
- 11-913. Prohibiting distribution of handbills where properly posted.
- 11-914. Distributing commercial and non-commercial handbills at inhabited private premises.
- 11-915. Dropping litter from aircraft.
- 11-916. Posting notices prohibited.
- 11-917. Litter on occupied private property.
- 11-918. Owner to maintain premises free of litter.
- 11-919. Litter on vacant lots.
- 11-920. Clearing of litter from open private property by city.
- 11-921. Notice to be served upon owner.
- 11-922. Penalty.
- 11-901. <u>Definitions</u>. For the purposes of this ordinance the term "litter" shall have the same definition as ascribed thereto by the <u>Tennessee Code Annotated</u> as follows: litter also includes any abandoned refuse or material or items that have ceased to function in the manner for which they were manufactured or constructed. The following definitions shall also apply:
- (1) "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- (2) "Litter" includes garbage, refuse, rubbish and all other waste material:
- (3) "Refuse" includes all putrescible and nonputrescible solid waste; and
- (4) "Rubbish" includes nonputrescible solid waste consisting of both combustible and non-combustible waste. (Ord.#3, 1998, April 1998, as amended by Ord. #1, 1999, March 1999)

- 11-902. <u>Litter in public places</u>. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in the official city landfill as now or hereafter established. (Ord. #3, 1998, April 1998)
- 11-903. <u>Placement of litter in receptacles so as to prevent scattering</u>. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (Ord. #3, 1998, April 1998)
- 11-904. Sweeping litter into gutters prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (Ord. #3, 1998, April 1998)
- 11-905. Merchants' duty to keep sidewalks free of litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep any sidewalk adjacent to such business premises free of litter, weeds and all vegetation. (Ord. #3, 1998, April 1998)
- 11-906. <u>Litter thrown by persons in vehicles</u>. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property. (Ord. #3, 1998, April 1998)
- 11-907. <u>Truck loads causing litter</u>. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit on any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (Ord. #3, 1998, April 1998)
- 11-908. <u>Litter in parks</u>. No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park

by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Ord. #3, 1998, April 1998)

- 11-909. <u>Litter in lakes and fountains</u>. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the city. (Ord. #3, 1998, April 1998)
- 11-910. Throwing or distributing commercial handbills in public places. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it. (Ord. #3, 1998, April 1998)
- 11-911. Placing commercial and non-commercial handbills on vehicles. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it. (Ord. #3, 1998, April 1998)
- 11-912. <u>Depositing commercial and non-commercial handbills on uninhabited or vacant premises</u>. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (Ord. #3, 1998, April 1998)
- 11-913. Prohibiting distribution of handbills where properly posted. No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any matter that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. #3, 1998, April 1998)
- 11-914. <u>Distributing commercial and non-commercial handbills</u> <u>at inhabited private premises</u>. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private

premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this ordinance, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and, except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

- (1) <u>Exemption for mail and newspapers</u>. The provisions of this section shall not apply to distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. #3, 1998, April 1998)
- 11-915. <u>Dropping litter from aircraft</u>. No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object. (Ord. #3, 1998, April 1998)
- 11-916. <u>Posting notices prohibited</u>. No person shall post or affix any notice, poster, signage or other paper or device, calculated to attract the attention of the public, in or to any lamp post, city-erected landscaping planter or flower bed, public utility pole or shade tree, or upon any public structure or building, except as may be required by law. (Ord. #3, 1998, April 1998, as replaced by Ord. #8,2018, Aug. 2018)
- 11-917. <u>Litter on occupied private property</u>. No person shall throw or deposit garbage, litter, refuse or rubbish on any occupied or unoccupied private property within the City of Pulaski, whether owned by such person or not, except that the owner or person in control of private property-may maintain private receptacles approved by the city for collection in such a manner that litter will be prevented from being carried or deposited, by the elements including water run "off" upon any street, sidewalk, or other public place or upon any private property. (Ord. #3, 1998, April 1998, as amended by Ord. #1, 1999, March 1999)
- 11-918. Owner to maintain premises free of litter. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in approved private receptacles that are erected in such a manner and of such size and height that the contents thereof are not visible to the general public and that such receptacles are regularly emptied by collection. (Ord. #3, 1998, April 1998, as amended by Ord. #1, 1999, March 1999)

- **11-919.** <u>Litter on vacant lots</u>. No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. (Ord. #3, 1998, April 1998, as amended by Ord. #1, 1999, March 1999)
- 11-920. <u>Clearing of litter from open private property by city</u>. The director of safety, or his designee, is hereby authorized and empowered to give written notice to the owner or the person being in charge of any premises in the City of Pulaski, Tennessee, on which there is any litter in violation of this ordinance, which said notice shall direct said person to appear before the municipal court of the City of Pulaski, Tennessee, at a time and place to be fixed in said notice, and then and there show cause why the said litter should not be declared a nuisance, and an order issued requiring same to be removed.

If the litter is not removed within five (5) working days from notice a fine of not more than five hundred dollars (\$500.00) shall be imposed under this ordinance for each violation beginning on the sixth (6th) working day.

If the litter has not been removed after the tenth (10th) working day from notice then the litter would be removed by the City of Pulaski, and the cost of removal will be assessed to the property owner. (Ord. #3, 1998, April 1998, as amended by Ord. #1, 1999, March 1999)

- 11-921. Notice to be served upon owners. (1) The notice provided for in the foregoing section shall be served upon the owner of said property (or the person having same in charge, as the case may be), if he is known and can be found within the City of Pulaski, Tennessee, or its police jurisdiction, but if such person is not known or cannot be found within the City of Pulaski, Tennessee, or its police jurisdiction, service of said notice shall be effected by posting one copy thereof on the premises where said litter is found to exist, and the notice as herein provided for, shall be served or posted, as the case may be, at least five days before the date fixed for hearing before the municipal judge.
- (2) The owner or person having in charge any such premises, who having been personally served with the notice provided for in § 11-920 hereof, who shall fail to comply with the order of the municipal judge requiring the removal of such litter, shall be guilty of violation of this section, and on conviction shall be punished as provided in this ordinance. (Ord. #3, 1998, April 1998)
- 11-922. <u>Penalty</u>. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be fined in an amount not less than \$25.00 and not to exceed \$100.00. (Ord. #3, 1998, April 1998)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

- 1. BUILDING CODE.
- 2. PLUMBING CODE.
- 3. ELECTRICAL CODE.
- 4. FUEL GAS CODE.
- 5. DELETED.
- 6. ENERGY CONSERVATION CODE.
- 7. PROPERTY MAINTENANCE CODE.
- 8. DELETED.
- 9. RESIDENTIAL CODE.
- 10. MECHANICAL CODE.
- 11. ANSI A117.1 ADOPTED.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Demolition of structures: disconnection of sewers.
- 12-104. Available in recorder's office.
- 12-105. Violations.

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 prescribing regulations governing building code requirements, the International Building Code, 2018 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated,

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.

¹Municipal code references

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

§ 6-54-502, one (1) copy of the building code has been filed with the city recorder and is available for public use and inspection. Said building code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1977 Code, § 4-101, as amended by Ord. #3, March 1996, modified; and Ord. #3, 2000, July 2000, replaced by Ord. #10, 2003, March 2003, Ord. #9, July 2007, and Ord. #2, 2012, March 2012, amended by Ord. #10,2016, June 2016, and replaced by Ord. #9,2018, Aug. 2018)

12-102. Modifications. The following sections are hereby revised:

Section 1612.3: Insert "September 28, 2007"

Section 106.5.2: See Schedule A of Building Code attached

hereto

Section 3412.2: Insert "June 28, 2016" (1977 Code, § 4-101, as replaced by Ord. #10, 2003, March 2003, and Ord. #10,2016, June 2016)

- 12-103. Demolition of structures; disconnection of sewers. In addition to the requirements of the International Building Code, as amended, requiring permits for demolition of structures, the city shall have the authority to disconnect the lines from that property upon which a building is being demolished and cap off the tap into the city's sewer main unless at the time of the issuance of the demolition permit the owner represents that he intends to rebuild upon the same premises and secures a building permit. Provided, however, in that event the owner must furnish satisfactory evidence that the lines on his property are in good repair and free from dirt, debris, or other material that would cause blockage and that the same is free from holes or any other condition that would allow surface water or any foreign matter to be introduced into the sewer system. (1977 Code, § 4-102)
- **12-104.** 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. (1977 Code, § 4-103, modified)
- **12-105.** <u>Violations</u>. 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. (1977 Code, § 4-104)

PLUMBING CODE¹

SECTION

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

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 prescribing regulations governing building code requirements, the International Plumbing Code,² 2018 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been filed with the city recorder and is available for public use and inspection. Said plumbing code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1977 Code, § 4-201, as amended by Ord. #1-1997, Jan. 1997; and Ord. #3, 2000, July 2000, replaced by Ord. #15,2007, Sept. 2007, and Ord. #2, 2012, March 2012, amended by Ord. #12,2016, June 2016, and replaced by Ord. #9,2018, Aug. 2018)

12-202. Available in recorder's office. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 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. (1977 Code, § 4-202, modified)

12-203. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1977 Code, § 4-203)

Cross connections: title 18. Street excavations: title 16. Wastewater treatment: title 18.

Water and sewer system administration: title 18.

¹Municipal code references

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

12-204. Modifications. The following sections are hereby revised:

Section R101.1: City of Pulaski

Section 106.6.2: See Schedule A of Building Code

Section 106.6.3: Deleted in its entirety Section 108.4: Insert "misdemeanor"

Section 108.5: Insert \$50.00

Section 305.4.1: Insert "30 inches" in both provisions

Section 903.1: Insert "Twelve Inches" (as added by Ord.

#12,2016, June 2016)

ELECTRICAL CODE¹

SECTION

12-301. State regulation adopted.

12-302. Available in recorder's office.

12-303. Violations.

12-301. <u>State regulation adopted</u>. The rules of the Department of Commerce and Insurance Division of Fire Prevention Chapter 0780-2-1, Electrical Installations as issued by the State of Tennessee, Department of Commerce and Insurance Division of Fire Prevention, be and is hereby adopted and, incorporated by reference as a part of the Pulaski Municipal Code. (1977 Code, § 4-301)

12-302. Available in recorder's office. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502, one (1) copy of these regulations will be kept on file in the recorder's office and shall be kept there for the use and inspection of the public. (1977 Code, § 4-302, modified, as amended by Ord. #6, 2012, Sept. 2012)

12-303. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provisions of these regulations as herein adopted by reference. (1977 Code, § 4-303)

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

FUEL GAS CODE

SECTION

- 12-401. Fuel gas code adopted.
- 12-402. Demolition of structures; disconnection of service.
- 12-403. Available in recorder's office.
- 12-404. Violations.
- 12-405. Modifications.

12-401. Fuel gas code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing building code requirements, the International Fuel Gas Code,¹ 2018 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fuel gas code has been filed with the city recorder and is available for public use and inspection. Said fuel gas code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1977 Code, § 4-401, as amended by Ord. #12, 1999, July 1999, replaced Ord. #15,2007 Sept. 2007, and Ord. #2, 2012, March 2012, amended by Ord. #11-2016, June 2016, and replaced by Ord. #9,2018, Aug. 2018)

12-402. Demolition of structures; disconnection of service. In addition to the requirements of the <u>Standard Gas Code</u>, as amended, requiring permits for demolition of structures, the city shall have the authority to disconnect the gas lines from that property upon which a building is being demolished and cap off the tap unless at the time of the issuance of a demolition permit the owner represents that he intends to rebuild upon the same premises and secures a building permit. Provided, however, in that event the owner must furnish, satisfactory evidence that the lines on his property are in good repair. (1977 Code, § 4-402)

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the Standard Gas Code shall be kept in the office of the recorder of the City of Pulaski for the use and inspection of the public. (1977 Code, § 4-403, modified)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-404. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of this code as herein adopted by reference and modified. (1977 Code, § 4-404, as replaced by Ord. #2, 2012, March 2012, and Ord. #9,2018, Aug. 2018)

12-405. Modifications. The following sections are hereby revised:

Section 101.1: City of Pulaski

Section 106.6.2: See Schedule A of Building Code

Section 106.6.3: Deleted in its entirety Section 108.4: Insert "misdemeanor"

Section 108.5: Insert \$50.00. (as added by Ord. #11,2016,

June 2016)

DELETED

This chapter was deleted by Ord. #6, 2012, Sept. 2012.

ENERGY CONSERVATION CODE¹

SECTION

12-601. Energy conservation code adopted.

12-602. Deleted.

12-603. Deleted.

12-604. Violations.

12-605. Modifications.

12-601. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing building code requirements, the International Energy Conservation Code, ² 2018 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy conservation code has been filed with the city recorder and is available for public use and inspection. Said energy conservation code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1977 Code, § 4-401, modified, as amended by Ord. #3, 2000, July 2000, replaced by Ord. #6, 2012, Sept. 2012, amended by Ord. #3,2017, Feb. 2017, and replaced by Ord. #9-2018, Aug. 2018)

12-602. <u>**Deleted**</u>. (1977 Code, § 4-601, as deleted by Ord. #6, 2012, Sept. 2012)

12-603. Deleted. (1977 Code, § 4-601, as deleted by Ord. #6, 2012, Sept. 2012)

<u>Tennessee Code Annotated</u>, § 13-19-106 requires Tennessee cities <u>either</u> to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

¹State law reference

- **12-604.** <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of this code as herein adopted by reference and modified. (as replaced by Ord. #2, 2012, March 2012, and Ord. #9,2018, Aug. 2018)
- 12-605. <u>Modifications</u>. Any reference to the requirement of a blower door test and duct test are hereby deleted from the <u>International Energy Conservation Code</u>. (as added by Ord. #3,2017, Feb. 2017)

PROPERTY MAINTENANCE CODE

SECTION

12-701. Property maintenance code adopted.

12-702. Deleted.

12-703. Violations.

12-701. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing building code requirements, the International Property Maintenance Code,¹ 2018 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the property maintenance code has been filed with the city recorder and is available for public use and inspection. Said property maintenance code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1977 Code, § 4-701, as replaced by Ord. #2, 2012, March 2012, and Ord. #9,2018, Aug. 2018)

12-702. <u>Deleted</u>. (1977 Code, § 4-701, as deleted by Ord. #2, 2012, March 2012)

12-703. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of this code as herein adopted by reference and modified. (as replaced by Ord. #2, 2012, March 2012, and Ord. #9,2018, Aug. 2018)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

DELETED

This chapter was deleted by Ord. #6, 2012, Sept. 2012.

RESIDENTIAL CODE

SECTION

12-901. Residential code.

12-902. Modifications.

12-903. Violations.

12-901. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing building code requirements, the International Residential Code, 2018 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been filed with the city recorder and is available for public use and inspection. Said building code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1977 Code, § 4-101, as amended by Ord. #2-1997, Jan. 1997, replaced by Ord. #10, 2003, March 2003, and Ord. #2, 2012, March 2012, and Ord. #6, 2012, Sept. 2012, amended by Ord. 6,2016, June 2016, and replaced by Ord. #9,2018, Aug. 2018)

12-902. Modifications. The following sections are hereby revised:

Section R101.1: City of Pulaski

Section P2603.5.1: Insert "30 inches"

Any reference to the requirement of automatic sprinkler systems required in 1 or 2 family dwellings are hereby deleted from the <u>International Residential</u> Code.

Any reference to the requirement of a Blower Door or Duct Work Testing or automatic sprinkler systems required in 1 or 2 family dwellings are hereby deleted from the <u>International Residential Code</u>. (as deleted by Ord. #2, 2012, March 2012, added by Ord. #6,2016, June 2016, and amended by Ord. #5,2017, April 2017, and Ord. #9,2018, Aug. 2018)

12-903. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of this code as herein adopted by reference and modified. (as amended by Ord. #2, 2012, March 2012)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

MECHANICAL CODE

SECTION

12-1001. Mechanical code adopted.

12-1002. Violations.

12-1003. Modifications.

12-1001. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing building code requirements, the International Mechanical Code, 2018 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been filed with the city recorder and is available for public use and inspection. Said mechanical code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (as added by Ord. #2, 2012, March 2012, amended by Ord. #9,2016, June 2016, and replaced by Ord. #9,2018, Aug. 2018)

12-1002. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of this code as herein adopted by reference and modified. (as added by Ord. #2, 2012, March 2012 and replaced by Ord. #9,2018, Aug. 2018)

12-1003. Modifications. The following sections are hereby revised:

Section 101.1: City of Pulaski

Section 106.5.2: See Schedule A of Building Code

Section 106.5.3: Deleted in its entirety.
Section 108.4.: Insert "misdemeanor"

Section 1 08.5: Insert \$50.00. (as added by Ord. #9,2016,

June 2016)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

ANSI A117.1

SECTION

12-1101. ANSI A117.1 adopted.

12-1102. Violations.

12-1101. ANSI A117.1 adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing building code requirements, the International Code Council ANSI A 117.1, 12018 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been filed with the city recorder and is available for public use and inspection. Said building code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (as added by Ord. #2, 2012, March 2012, as replaced by Ord. #9,2018, Aug. 2018)

12-1102. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of this code as herein adopted by reference and modified. (as added by Ord. #2, 2012, March 2012, as replaced by Ord. #9,2018, Aug. 2018)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

- 1. MISCELLANEOUS.
- 2. SLUM CLEARANCE.
- 3. ABANDONED, WRECKED, OR INOPERATIVE VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Dilapidated buildings.
- 13-108. Livestock trucks.
- 13-101. <u>Health officer</u>. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1977 Code, § 8-1101)
- 13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1977 Code, § 8-1105)
- **13-103.** <u>Stagnant water</u>. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property. (1977 Code, § 8-1106)

¹Municipal code references Animal control: title 10.

Littering streets, etc.: § 16-107.

13-104. <u>Weeds</u>. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property and it shall be unlawful for any such person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over eight (8) inches.

In the event the owner or tenant fails within three (3) days to comply with the order of the appropriate authorities, the City of Pulaski may go upon the premises and cut the grass or other vegetation and charge the owner or tenant for the expense of cutting. Should the expenses be unpaid for a period of thirty (30) days, said expenses shall be deemed <u>ad valorum</u> property taxes and the city recorder shall add such expenses to the property owners city tax bill.

That in lieu of or in addition to that authority, the officials designated in § 6-108 of this code shall have the authority to issue a summons in lieu of arrest and cite the owner or tenant to appear before the city judge for a violation of this section. (1977 Code, § 8-1107, as replaced by Ord. #18-2003, Oct. 2003, and amended by Ord. #7, 2004, June 2004)

- 13-105. <u>Dead animals</u>. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1977 Code, § 8-1108)
- 13-106. <u>Health and sanitation nuisances</u>. 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. (1977 Code, § 8-1110)
- 13-107. <u>Dilapidated buildings</u>. It shall be unlawful for any person to rent, offer for rent, or to maintain any house or structure used for dwelling purposes that is in such a dilapidated and unsanitary condition as to endanger the health or life of any person occupying the same or that is not furnished with adequate toilet facilities. (1962 code, § 8-1104)
- 13-108. <u>Livestock trucks</u>. It shall be unlawful for any person to park a truck which has been used for hauling or transporting livestock, while loaded or unloaded, on any street or alley in the City of Pulaski or on any privately owned residential property for any length of time whatsoever, until the same has been thoroughly cleaned. (1962 code, § 8-1109)

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. #13, 1995, Nov. 1995
- **13-202.** <u>**Definitions**</u>. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
- (2) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.
- (3) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.
- (4) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

Tennessee Code Annotated, title 13, chapter 21.

¹State law reference

- (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 city or state relating to health, fire, building regulations, or other activities concerning structures in the city.
- (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. (Ord. #13, 1995, Nov. 1995)
- 13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (Ord.#13, 1995, Nov. 1995)
- 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 city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. #13, 1995, Nov. 1995)
- 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 occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:
- (1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit

for human occupation or use or to vacate and close the structure for human occupation or use; or

- (2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #13, 1995, Nov. 1995)
- 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 occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (Ord. #13, 1995, Nov. 1995)
- 13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. #13, 1995, Nov. 1995)
- 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 assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Giles County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the City of Pulaski as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. 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 Giles County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Pulaski to define and declare nuisances

and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #13, 1995, Nov. 1995)

- 13-209. <u>Basis for a finding of unfitness</u>. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Pulaski. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (Ord. #13, 1995, Nov. 1995)
- 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 persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Giles County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #13, 1995, Nov. 1995)
- 13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (Ord. #13, 1995, Nov. 1995)

- 13-212. <u>Additional powers of public officer</u>. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:
- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #13, 1995, Nov. 1995)
- 13-213. <u>Powers conferred are supplemental</u>. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #13, 1995, Nov. 1995)

ABANDONED, WRECKED, OR INOPERATIVE VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Abandonment of vehicles.
- 13-303. Leaving of wrecked, non-operating vehicles on street.
- 13-304. Disposition of wrecked or discarded vehicles.
- 13-305. Impounding.
- 13-306. Notice.
- 13-307. Vehicles to be sold at public auction.
- 13-308. Redemption.
- 13-309. Penalties.
- **13-301. Definitions**. The following definitions shall apply in the interpretation of this chapter.
- (1) "Person" shall mean any person, firm, partnership, corporation, association, company, or organization, of any kind.
- (2) "Street or highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (3) "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck trailer, motorcycle, tractor, buggy and wagon.
- (4) "Property" shall mean any real property within the city or police jurisdiction which is not a street or highway.
- (5) "City" shall mean City of Pulaski, Tennessee. (Ord. #2, 1998, April 1998)
- 13-302. Abandonment of vehicles. No person shall abandon any vehicle within the city or the police jurisdiction. It shall be presumed that any vehicle which has been left at any one place within a parking lot owned or operated by the city or on a street or highway within the city for a period of forty-eight (48) hours consecutively is an abandoned vehicle. (Ord. #2, 1998, April 1998)
- 13-303. <u>Leaving of wrecked, non-operating vehicle on street</u>. No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the city. (Ord. #2, 1998, April 1998)

- 13-304. <u>Disposition of wrecked or discarded vehicles</u>. No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than forty-eight (48) hours; and no person shall leave any such vehicle on any property within the city for a longer time than forty-eight (48) hours; except that this chapter shall not apply with regard to a vehicle in an enclosed building, or a vehicle on the premises of business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. (Ord. #2, 1998, April 1998)
- 13-305. <u>Impounding</u>. The director of safety or any member of his department designated by him is hereby authorized to remove or have removed any vehicle left at any place within the city which reasonably appears to be in violation of this chapter or lost, stolen or unclaimed. Any vehicle so taken up and removed shall be stored in a suitable place provided by the city. A permanent record giving the date of the taking of the vehicle, the place where found and taken, and a description of the vehicle shall be kept by the chief of police. (Ord. #2, 1998, April 1998)
- 13-306. Notice. (1) The director of safety, or his designee, is hereby authorized and empowered to give written notice to the owner or person being in charge of any premises in the City of Pulaski, Tennessee, on which there is located a partially dismantled, non-operating, wrecked, junked, or discarded vehicle in violation of § 13-304 of this chapter, which said notice shall direct said person to appear before the municipal court of the City of Pulaski, Tennessee, at a time and place to be fixed in said notice, and then and there show cause why the said vehicle should not be declared a nuisance, and an order issued, requiring the same to be removed and impounded.

Said notice shall be in substantially the following form, viz:

"NOTICE"

To the owner or owners of the following described property located in the City of Pulaski, Tennessee, or to the person in charge of the following described property in said city:

DESCRIPTION OF PROPERTY:

You are hereby notified that there exists on the above mentioned property a partially dismantled, non-operating, wrecked, junked or discarded vehicle in violation of Section 4 of an ordinance adopted by the City of Pulaski, Tennessee on the _____ day of ______, 19____, the same being Ordinance Number _____, and you are further notified that a hearing will be conducted by the municipal judge of the municipal court for the City of Pulaski, Tennessee, at the court room for said court in the city hall of the City of Pulaski, Tennessee, at _____ o'clock _M. on the _____ day of _____, 19____, at which time and place you are directed to appear and show cause, if any you have, why the said automobile should not be declared a nuisance and an order issued requiring the same to be removed and impounded.

- (2) The notice provided for in the foregoing section shall be served upon the owner of said property (or the person having same in charge, as the case may be), if he is known and can be found within the City of Pulaski, Tennessee, or its police jurisdiction, but if such person is not known or cannot be found within the City of Pulaski, Tennessee, or its police jurisdiction, service of said notice shall be effected by posting one copy thereof on the premises where said vehicle is found, and the notice as herein provided for, shall be served or posted, as the case may be, at least five days before the date fixed for hearing before the municipal judge.
- (3) At the time and place appointed in the notice provided for in (1) hereof, the judge shall conduct a hearing for the purpose of determining whether the said vehicle complained of exists in violation of this chapter and if he finds that same constitutes a violation of this chapter, he shall so declare the same and shall make an order requiring the removal of said vehicle within five days from the making of said order.
- (4) The owner or person having in charge any such premises, who having been personally served with the notice provided for in (1) hereof, who shall fail to comply with the order of the municipal judge requiring the removal of vehicle shall be guilty of violation of this section, and on conviction shall be punished as provided in this chapter. (Ord. #2, 1998, April 1998)
- 13-307. Vehicles to be sold at public auction. At least every six months, the director of safety, or his designee, shall sell at public auction to the highest bidder for cash the vehicle or vehicles herein authorized to be removed and taken up and which shall have been taken up and stored for a period of three months or more, the sales to be made after notice of the time and place therefor shall have first been given by publication once a week for two successive weeks in a newspaper of general circulation published in the city. The first publication shall be at least twenty days before the sale. Each vehicle shall be sold separately and a notation in the storage record book shall be made of the amount received for each vehicle. The person making the sale shall have the right to reject any and all bids if the amount of bid be unreasonably low and shall have the right to continue the sales from time to time if no bidders are

present. After deducting and paying all expenses incurred in the removal, taking up, storing, maintaining and selling of the vehicle or vehicles, the balance, if any, shall be paid into the general fund of the city. (Ord. #2, 1998, April 1998)

- **13-308.** Redemption. The owner of any vehicle taken up and stored as herein provided may redeem the same at any time prior to its sale by paying the reasonable expense of taking the vehicle in charge, its maintenance and storage and a prorata of the costs of publication. (Ord. #2, 1998, April 1998)
- **13-309.** <u>Penalties</u>. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be fined in an amount not less than \$25.00 and not to exceed \$100.00.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. #2, 1998, April 1998)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

- 1. MUNICIPAL PLANNING COMMISSION.
- 2. ZONING ORDINANCE.
- 3. AIRPORT ZONING.
- 4. TREE ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.
- 14-101. <u>Creation and membership</u>. Pursuant to the provisions of <u>Tennessee Code Annotated</u>, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other five (5) 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 five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1977 Code, § 11-101)
- **14-102.** <u>Organization, powers, duties, etc</u>. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of <u>Tennessee Code Annotated</u>, title 13. (1977 Code, § 11-102)
- 14-103. <u>Additional powers</u>. 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. (1977 Code, $\S~11\text{-}103)$

ZONING ORDINANCE

SECTION

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

14-201. <u>Land use to be governed by zoning ordinance</u>. Land use within the City of Pulaski shall be governed by Ordinance #8-1996, titled "Municipal Zoning Ordinance of Pulaski, Tennessee," and any amendments thereto. (as amended by Ord. #3, 2000, July 2000)

¹Ordinance #8-1996, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

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

AIRPORT ZONING

SECTION

14-301. Land use in certain zones governed by airport zoning ordinance.

14-301. <u>Land use in certain zones governed by airport zoning</u> <u>ordinance</u>. Land use within the noninstrument approach zones, transition zones, horizontal zones, and conical zone, as shown on the Abernathy Field Airport Zoning Map shall be governed by the "Abernathy Field Zoning Ordinance," and any amendments thereto.¹

¹The "Abernathy Field Zoning Ordinance," and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

TREE ORDINANCE

SECTION

- 14-401. Purpose.
- 14-402. Definitions.
- 14-403. Creation of a tree board.
- 14-404. Term of office.
- 14-405. Operation.
- 14-406. Duties and responsibilities.
- 14-407. Tree planting in public areas.
- 14-408. Tree planting on private property.
- 14-409. Tree maintenance.
- 14-410. Tree topping.
- 14-411. Dead and dying trees.
- 14-412. Appeal.
- 14-413. Stump removal.
- 14-414. Developers, contractors and builders.
- 14-415. Special considerations.
- 14-416. Appeal and penalties.
- **14-401.** <u>Purpose</u>. The purpose of this tree ordinance is to provide a mechanism for the management of trees and woody vegetation in the City of Pulaski, Tennessee. (1977 Code, § 11-1501)
- **14-402. Definitions**. (1) "Tree" A woody plant with a single trunk, or multiple trunk capable of growing to a height of 15 feet or more.
- (2) "Shrub" A woody plant with a multiple stem capable of growing to a height of up to 15 feet.
- (3) "Public tree" A tree growing in an area owned by the community, including parks, public buildings, schools, hospitals, and other areas to which the public has free access.
- (4) "Private tree" A tree growing in an area owned by a private individual, business or commercial establishment, company, or industry, private institution, or other area not owned by government entities.
- (5) "Street tree" A tree growing within a public right of way along a street, in a median or in a similar area in which the public right of way borders areas owned by private individuals.
- (6) "Public utility" That section of local government in charge of electrical distribution in the community and having responsibility for keeping distribution lines free of hazards including trees.
- (7) "City forester" A city employee responsible for the city's tree program. He/she will be titled tree warden.

- (8) "Pruning" Selective removal and thinning of the upper portions of the tree, taking into account the shape and natural structure of the tree.
- (9) "Topping" Arbitrary removal of various portions of the tree, thereby leaving stubs, with no regard for the natural structure of the tree.
- (10) "Crownspread" The distance from the ends of branches on one side of the tree, through the trunk, to the ends of the branches on the other side.
- (11) "Line clearance" Removal of limbs and branches growing within a set distance of electrical distribution lines.
- (12) "Tree density factor" A number derived from the combination of the density of trees remaining on a site and the density of additional trees to be planted. (1977 Code, § 11-1502)
- 14-403. <u>Creation of a tree board</u>. There is hereby created a tree board for this city, which shall consist of seven members who are citizens and residents of this city. Members shall be appointed by the mayor and approved by the governing council, one of whom must be recommended. The tree board will serve without compensation. (1977 Code, § 11-1503)
- 14-404. <u>Term of office</u>. Members shall serve three year terms, except the first board which will have two (2) members appointed for one year and three (3) members appointed for two years, and two members appointed for three years. Members may serve successive terms. Vacancies are filled by appointment by the mayor until the end of the term. (1977 Code, § 11-1504)
- 14-405. <u>Operation</u>. The board shall choose its own officers, make its own rules and regulations, and keep a record of its proceedings. Copies of the minutes shall be available to the governing body after each tree board meeting. Meetings shall be held quarterly, or more often if called by the chairman of the board. A majority of the members shall constitute a quorum for transaction of business. (1977 Code, § 11-1505)
- **14-406.** <u>Duties and responsibilities</u>. The duties of the tree board shall include, but not be limited to the following:
 - (a) Prepare a tree plan for the community.
 - (b) Coordinate tree-related activities.
 - (c) Conduct an Arbor Day ceremony.
 - (d) Provide tree information to the community.
 - (e) Maintain a recommended tree list for the community.
 - (f) Recognize groups and individuals completing tree projects.
 - (g) Coordinate publicity concerning trees and tree programs.
 - (h) Coordinate donations of trees or money to purchase trees.
 - (i) Adopt rules and regulations pertaining to the tree program.
- (j) Perform other tree related duties and opportunities that arise from time to time.

- (k) Coordinate with the Pulaski Electric System in its program of replacing tall-growing trees in or near power lines with low-growing trees. (1977 Code, § 11-1506)
- 14-407. <u>Tree planting in public areas</u>. Tree planting shall be undertaken by the city of all public areas in a systematic manner to assure diversity of age classes and species. Areas to be planted, density, appropriate species, and other aspects of the planting function shall be determined by the tree board. (1977 Code, § 11-1507)
- 14-408. Tree planting on private property. Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The tree board will provide information about species, planting techniques, and placement guidelines when requested by residents. (1977 Code, § 11-1508)
- 14-409. <u>Tree maintenance</u>. Tree maintenance may include pruning, fertilizing, watering, insect and diseases control or other tree care activities. The city shall take responsibility for those maintenance activities needed to keep the public trees reasonably healthy and minimize the risk of hazard trees could cause to residents and visitors of the city. Determination of maintenance needs will be made by the tree board. Tree care may be accomplished by city personnel or by contract with commercial tree care companies.

Care and maintenance of private trees are encouraged to minimize safety hazards to people and the health risk to other trees in the community. The tree board will provide information in a timely manner to residents about all aspects of tree care including the latest techniques and procedures currently being practiced. (1977 Code, § 11-1509)

- 14-410. <u>Tree topping</u>. The practice of tree topping, unless considered a "danger tree" to power lines, is prohibited on all public trees and is strongly discouraged as a tree care practice for private trees. Proper pruning with branch removal at branch or trunk junctures is the best practice for limb removal. (1977 Code, § 11-1510)
- 14-411. <u>Dead and dying trees</u>. Dead and dying trees that pose a safety or health risk to residents or to other trees shall be removed in a timely manner. This section will apply to both public and private trees. The tree board will make the risk determination, and if appropriate, will cause the tree to be removed. If the tree is on private property, the tree board will serve notice of said risk, and give an allowed time for said removal. (1977 Code, § 11-1511)

- 14-412. <u>Appeal</u>. Upon receipt of notice to remove, the owner may appeal the decision within 15 days (or next meeting) to the board of mayor and aldermen. (1977 Code, § 11-1512)
- 14-413. <u>Stump removal</u>. Stump removal to below ground level is considered part of the tree removal process. (1977 Code, § 11-1513)
- 14-414. <u>Developers</u>, <u>contractors</u> <u>and <u>builders</u></u>. Developers, contractors, builders or private owners shall not set out trees that will interfere with power transmission lines. When the building permit is approved, the plat submitted will show all existing trees and those planned including the kind of existing trees and those to be set out. (1977 Code, § 11-1514)
- 14-415. <u>Special considerations</u>. Tree topping of all public trees, unless considered a "danger tree" to the power lines, is prohibited, and topping of private trees is strongly discouraged. The tree board shall promote the use of property pruning procedures.

Tree pruning in the vicinity of power lines shall be undertaken by the public utility to assure the supply of electricity to its customers. Drop crotch pruning and pruning to laterals are the required methods. Where possible, the utility will replace large trees with small maturing ornamental trees of the kind recommended by the tree board and the power system. (1977 Code, § 11-1515)

- **14-416.** <u>Appeal and penalties</u>. (1) Any person dissatisfied with the decisions, rules, regulations, and interpretations of the tree board, shall have the right to appeal to the board of mayor and aldermen. Appeal shall be within 30 days and shall be made in writing.
- (2) Any person violating this ordinance shall be deemed guilty of a misdemeanor, and according to the laws of the State of Tennessee shall be fined a maximum of \$50.00. Each subsequent day that any violation continues unabated shall constitute a separate offense. (1977 Code, § 11-1516)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING1

CHAPTER

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

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.

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

²State law references

Under <u>Tennessee Code Annotated</u>, § 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 <u>Tennessee Code Annotated</u>, § 55-10-401; failing to stop after a traffic accident, as prohibited by <u>Tennessee Code Annotated</u>, § 55-10-101, <u>et seq.</u>; driving while license is suspended or revoked, as prohibited by <u>Tennessee Code Annotated</u>, § 55-7-116; and drag racing, as prohibited by <u>Tennessee Code Annotated</u>, § 55-10-501.

¹Municipal code reference

- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycles and similar vehicles.
- 15-123. Duty to stop in event of accident.
- 15-124. Hitchhikers.
- 15-125. Police direction of traffic.
- 15-126. Use of streets by commercial trucks.
- 15-127. Compliance with financial responsibility law required.
- 15-101. <u>Motor vehicle requirements</u>. 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 <u>Tennessee Code Annotated</u>, title 55, chapter 9. (1977 Code, § 9-101)
- **15-102.** <u>Driving on streets closed for repairs, etc</u>. 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. (1977 Code, § 9-106)
- **15-103.** <u>Reckless driving</u>. 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. (1977 Code, § 9-107)
- **15-104.** One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1977 Code, § 9-109)
- **15-105.** <u>Unlaned streets</u>. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:
 - (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
 - (b) When the right half of a roadway is closed to traffic while under construction or repair.
 - (c) Upon a roadway designated and signposted by the city for one-way traffic.
- (2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as

close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1977 Code, § 9-110)

15-106. <u>Laned streets</u>. 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. (1977 Code, § 9-111)

- 15-107. <u>Yellow lines</u>. 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. (1977 Code, § 9-112)
- **15-108.** <u>Miscellaneous traffic-control signs, etc</u>.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city. (1977 Code, § 9-113)
- 15-109. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,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 city. This section shall not be construed as being mandatory but is merely directive. (1977 Code, § 9-114)
- **15-110.** <u>Unauthorized traffic-control signs, etc</u>. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign,

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

¹Municipal code references

²This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1977 Code, § 9-115)

- 15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1977 Code, § 9-116)
- 15-112. <u>School safety patrols</u>. 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. (1977 Code, § 9-117)
- 15-113. <u>Driving through funerals or other processions</u>. 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. (1977 Code, § 9-118)
- **15-114.** Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1977 Code, § 9-120)
- 15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1977 Code, § 9-121)
- **15-116.** <u>Backing vehicles</u>. 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. (1977 Code, § 9-122)

- 15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1977 Code, § 9-123)
- **15-118.** Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, sounding a siren or exhaust, compression, or spark plug whistle, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1977 Code, § 9-124)
- **15-119.** <u>Vehicles and operators to be licensed</u>. 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." (1977 Code, § 9-125)
- 15-120. <u>Passing</u>. 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.

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. (1977 Code, § 9-126)

15-121. <u>Damaging pavements</u>. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or

track is likely to damage the surface or foundation of the street. (1977 Code, § 9-119)

15-122. <u>Bicycles and similar vehicles</u>. All bicycles, motor bikes, or similar vehicles, irrespective of the manner of their operation, shall be equipped with a red glass reflector to be placed on the rear part in such a manner as to be plainly visible from the rear.

All such vehicles used within the corporate limits from one-half hour after sunset until one-half hour before sunrise shall be equipped with a headlight on the forward part of the same so illuminated as to be plainly visible.

The use of sirens on such vehicles shall be unlawful.

It shall be unlawful for any person to ride any bicycle or similar vehicle on any sidewalk on the public square or on any sidewalk within one block of the public square. It shall be unlawful for any person to operate any motor propelled vehicle on any sidewalk within the city.

It shall be unlawful for any person riding or operating a bicycle to carry any extra passengers thereon or to tow any other vehicle, except for dulyapproved infant safety devices.

The operators of such vehicles shall not ride more than two abreast and shall travel as near the right curb as possible. No such vehicle shall weave back and forth laterally with the line of travel nor shall said vehicles pass any other moving motor propelled vehicle except vehicles of a similar type.

The operators of such vehicles shall observe all traffic rules and obey all traffic laws in force in the city.

It shall be unlawful for any person to engage in the use of any skateboards, roller skates, roller blades, or similar devices, on any sidewalk on the public square or on any sidewalk within one (1) block of the public square or on the city walking trail system or in the amphitheater area of Sharewood Park. All vehicles and apparati used by the handicapped are excluded from the provisions hereof.

And it shall be unlawful for any operator of a motor driven bicycle, motorcycle, or motor scooter to operate the same without wearing a crash type helmet while operating the same.

And it shall be unlawful for any operator of a motor driven bicycle, motorcycle, or motor scooter to carry an extra passenger thereon. Provided, however, that this paragraph shall not apply if such motorcycle is designed to carry more than one (1) person in which event, a passenger may ride upon the permanent or regular seat, if designed for two (2) persons or another seat firmly attached to the rear or side of the operator. And provided further that the operator thereof is at least eighteen (18) years of age to operate the same after 8 o'clock P.M. within the corporate limits of the City of Pulaski, Tennessee. (1977 Code, § 9-128, as amended by Ord. #7, 1997, July 1997, and Ord. #17-2003, Oct. 2003)

- 15-123. <u>Duty to stop in event of accident</u>. The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident, and shall give his name, address, and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident, reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical attention or treatment if it is apparent that such attention or treatment is necessary or required by the injured person. (1977 Code, § 9-127)
- **15-124.** <u>Hitchhikers</u>. It shall be unlawful for any person to "hitchhike" or otherwise solicit rides while standing in any roadway within the city. (1977 Code, § 9-129)
- **15-125.** Police direction of traffic. In order to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the other provisions of this title. It shall be unlawful for any person to knowingly violate the directions of any police officer acting pursuant to the authority granted to him by this section. (1977 Code, § 9-130)
- **15-126.** <u>Use of streets by commercial trucks</u>. (1) In order to safeguard the public, abate noise, and to promote the public welfare of the City of Pulaski, the following streets shall be closed to commercial truck traffic of any truck of a size of more than three-quarter (3/4) ton:
 - (a) West Woodring from Third Street to Rose Street.
 - (b) West Washington from Third Street to Rose Street.
 - (c) West Jefferson from Third Street to Eighth Street.
 - (d) West Madison from Third Street to Eighth Street.
 - (e) West Flower from Third Street to Eighth Street.
- (2) <u>Exception-local deliveries</u>. The foregoing section shall not apply to local deliveries to any school or public places <u>within</u> these zones or areas between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday of each week.
- (3) <u>Exception-deliveries to colleges</u>. The foregoing sections shall not apply to any organization delivering equipment for any cultural performances to any college located on any of the above streets.
- (4) <u>Exception-school buses</u>. This section shall not apply to school buses while traveling to or from delivery of students to any school activity or function related to school activities.
- (5) <u>Exception-moving vans</u>. This section shall not apply to any moving van while in the process of delivery or loading of household goods and effects. (1977 Code, § 9-131)

15-127. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

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 in this title of this municipal code; or at the time of an accident for which notice is required under <u>Tennessee Code Annotated</u>, § 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 <u>Tennessee Code Annotated</u>, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

For the purpose 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 <u>Tennessee Code Annotated</u>, chapter 12, title 55, has been issued;
- (b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in 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.
- (2) <u>Civil offense</u>. 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). 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.
- (3) 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. (as added by Ord. #19-2003, Oct. 2003)

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.** <u>Authorized emergency vehicles defined</u>. 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. (1977 Code, § 9-102)
- 15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.
- (2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.
- (3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- (4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1977 Code, § 9-103)

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

¹Municipal code reference

- **15-203.** Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1977 Code, § 9-104)
- **15-204.** Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1977 Code, § 9-105)

SPEED LIMITS

SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.
- 15-301. <u>In general</u>. 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. The Public Safety Committee of the City of Pulaski shall from time to time review the appropriateness and necessity of establishing speed limits on streets and highways within the City of Pulaski. The committee shall direct the street department of the city to post the appropriate and desirable speed limits as the committee shall determine on all streets and highways within the City of Pulaski. (1977 Code, § 9-201, as amended by Ord. #8, 2003, March 2003)
- **15-302.** <u>At intersections</u>. 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. (1977 Code, § 9-202)
- 15-303. <u>In school zones</u>. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1977 Code, § 9-203)
- **15-304.** <u>In congested areas</u>. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1977 Code, § 9-204)

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. (1977 Code, § 9-301)
- 15-402. <u>Right turns</u>. 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. (1977 Code, § 9-302)
- **15-403.** <u>Left turns on two-way roadways</u>. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1977 Code, § 9-303)
- 15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1977 Code, § 9-304)
 - **15-405.** <u>U-turns</u>. U-turns are prohibited. (1977 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

15-501. <u>Upon approach of authorized emergency vehicles</u>.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, or of a police vehicle properly and lawfully making use of an audible signal only, 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. (1977 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1977 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1977 Code, § 9-403)

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

¹Municipal code reference

- **15-504.** At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:
- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1977 Code, § 9-404)
- **15-505.** At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1977 Code, § 9-405)
- **15-506.** At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1977 Code, § 9-406)
- **15-507.** At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

- (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady vellow alone, or "Caution":

- (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
- (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

- (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city 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. (1977 Code, § 9-407)
- 15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:
 - (a) <u>Flashing red (stop signal)</u>. 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) <u>Flashing yellow (caution signal)</u>. When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

- (2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1977 Code, § 9-408)
- 15-509. <u>At pedestrian control signals</u>. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, 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. (1977 Code, § 9-409)
- **15-510.** Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law, except in an emergency. (1977 Code, § 9-410)

Tennessee Code Annotated, § 55-8-143.

¹State law reference

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.
- 15-607. Unauthorized parking in areas designated as fire lane or reserved for handicapped prohibited.

15-601. Generally. Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1977 Code, § 9-501)

- **15-602.** Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1977 Code, § 9-502)
- 15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1977 Code, § 9-503)
- **15-604.** Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:
 - (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection or within fifteen (15) feet thereof.

- (4) Within fifteen (15) feet of a fire hydrant or within any no-parking zone established by the fire chief or his representative at any fire.
 - (5) Within a pedestrian crosswalk.
 - (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (10) Upon any bridge.
 - (11) Alongside any curb painted yellow or red by the city.
- (12) There has heretofore been designated handicapped parking areas on various streets in the City of Pulaski which shall be reserved for the handicapped who have "handicapped" stickers purchased through the County Court Clerk's Office of Pulaski, Tennessee, or valid handicapped stickers from other areas prominently displayed on their vehicles. The Public Safety Committee of the City of Pulaski shall from time to time review the appropriateness and necessity for the marking and designating of curbs and handicap parking areas within the City of Pulaski. The committee shall direct the street department of the city to mark or remove the markings from the curbs and identify handicap parking when necessary to promote proper and improper parking within the City of Pulaski. (1977 Code, § 9-504, as amended by Ord. #8, 2003, March 2003)
- **15-605.** <u>Loading and unloading zones</u>. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone.

Any merchant whose place of business has no rear door or area for loading and unloading may secure loading and unloading space on the public street upon application and payment of a monthly fee of four dollars (\$4.00) for each vehicle parking space required. The chief of police shall designate the exact location of "loading and unloading" areas and the city recorder shall have appropriate signs placed upon payment of the required fee. (1977 Code, § 9-505)

- **15-606.** Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1977 Code, § 9-513)
- 15-607. <u>Unauthorized parking in areas designated as fire lanes or</u> <u>reserved for handicapped prohibited</u>. (4) It shall be unlawful for any

person other than a sworn law enforcement officer or fire department, rescue squad or medical personnel to park in any area, whether on public streets or private property, designated as "fire lane" by the State Fire Marshal or the appropriate office of the City of Pulaski Fire Department. It shall likewise be unlawful for any person not validly in possession of a handicapped parking license plate or placard to park in any area, whether on public streets or private property, designated as restricted to handicapped parking.

(5) Any person found to be in violation of this offense shall be guilty of a misdemeanor and subject to a fine of not less than fifty (\$50.00) dollars upon conviction of said offense in the Pulaski Municipal Court. (as added by Ord. #15, 2000, Dec. 2000)

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. [Deleted.]
- 15-706. Violation and penalty.
- 15-701. <u>Issuance of traffic citations</u>.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. (1977 Code, § 9-602)
- **15-702.** <u>Failure to obey citation</u>. 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. (1977 Code, § 9-603)
- 15-703. <u>Illegal parking</u>. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1977 Code, § 9-605, modified)
- **15-704.** <u>Impoundment of vehicles</u>. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or

¹State law reference

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

hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership and pays all applicable fees and costs, or until otherwise lawfully disposed of. The fee for impounding a vehicle shall be the wrecker towin fee plus a storage cost of one dollar (\$1.00) per day. (1977 Code, § 9-601)

15-705. [Deleted.] This section was deleted by Ord. #3, 2000, July 2000. (1977 Code, § 9-604, as deleted by Ord. #3, 2000, July 2000)

- **15-706.** <u>Violation and penalty</u>. Any violation of this <u>title</u> shall be a civil offense punishable as follows: (1) <u>Traffic citations</u>. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.
- (2) <u>Parking violations</u>. For parking violations, the offender may, within twenty-four (24) hours, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after twenty-four (24) hours but within seven (7) days his civil penalty shall be five dollars (\$5.00).

When any alleged parking offender fails to waive his right to a judicial hearing or to have the charges against him disposed of within seven (7) days as provided above he shall be given a judicial hearing and shall be subject to the penalties provided in the general penalty clause for violations of this code.

Any person found guilty of violating this title with reference to illegal parking in handicapped parking areas shall be subject to a fine of \$15.00 for each violation. A citation shall he given to the illegal parker and he shall answer the same within seven (7) days. Failure to appear at the end of seven (7) days will subject the person to a judicial hearing and shall be subject to penalties provided in the general penalties clause for violation of this code. (1977 Code, § 9-605, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC.1

CHAPTER

- 1. MISCELLANEOUS.
- 2. EXCAVATIONS AND CUTS.
- 3. CONSTRUCTION OF SIDEWALKS AND CURBING.
- 4. [DELETED.]
- 5. PARKS AND RECREATIONAL FACILITIES.
- 6. MOVING BUILDINGS OVER STREETS, ETC.
- 7. LITTER, WEEDS, ETC.
- 8. PARADES.
- 9. CLEAN STREETS AND PUBLIC WAYS.

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. [Deleted.]
- 16-111. Animals and vehicles on sidewalks.
- 16-112. In street signs.
- 16-113. Speed bumps.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person, without express permission from the board of mayor and aldermen, shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of washing a car, burning leaves or other refuse matter, or for storing, selling, or exhibiting any goods, wares, merchandise, or materials,

Related motor vehicle and traffic regulations: title 15.

¹Municipal code reference

provided, however, goods, wares, merchandise, or materials may be displayed or placed on sidewalks provided the same shall not extend over twenty-five (25) inches from the actual building where said building abuts on a sidewalk, and provided further that any display or use of the sidewalk shall not create a hazard to pedestrians. (1977 Code, § 12-801)

- **16-102.** Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet. (1977 Code, § 12-802)
- 16-103. <u>Trees, etc., obstructing view at intersections prohibited</u>. 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. (1977 Code, § 12-803)
- **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. (1977 Code, § 12-804)
- 16-105. <u>Banners and signs across streets and alleys restricted</u>. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the power board of the Pulaski Electric System. (1977 Code, § 12-805, as amended by Ord. #3, 2000, July 2000)
- 16-106. <u>Gates or doors opening over streets, alleys, or sidewalks prohibited</u>. 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. (1977 Code, § 12-806)
- 16-107. <u>Littering streets, alleys, or sidewalks prohibited</u>. 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. (1977 Code, § 12-807)

 1 Municipal code reference

Building code: title 12, chapter 1.

- **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. (1977 Code, § 12-808)
- **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 if it is within the fire limits. (1977 Code, § 12-809)
- **16-110.** [Deleted.] This section was deleted by Ord. #3, 2000, July 2000. (1977 Code, § 12-811, modified, as deleted by Ord. #3, 2000, July 2000)
- **16-111.** Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1977 Code, § 12-812)
- **16-112.** <u>In street signs</u>. It is the policy of the City of Pulaski, Tennessee that "in street signs" may be allowed upon certain city streets in certain circumstances for the purpose of facilitating the safe travel by pedestrians across those streets. Upon a request to the city by an educational institution to erect in street signs the chief of police shall conduct an investigation into the necessity of erecting said signs. In the event the chief of police determines that:
- (1) It is reasonably necessary for students of the educational institution to traverse the institution's campus by foot; and
- (2) Placing in street signs in certain crosswalks facilitates the safe travel of student pedestrians, then the chief of police shall make a recommendation to the board of mayor and aldermen that certain approved in street signs be allowed.

Upon a resolution of the board certain in street signs will be permitted. Under no circumstances will such signs be permitted that do not adhere to the following guidelines:

- (1) Such signs shall be temporary in nature, but shall be anchored to the street surface so as not to allow them to be moved, absent the intent to move them. For example, signs shall be anchored in such a manner so as to prevent strong winds from moving them from the position where they were originally affixed.
- (2) Such signs shall only be permitted on secondary streets within the city limits of Pulaski, Tennessee.
- (3) The costs of such in street signs shall be borne by the educational institution requesting such signs.

- (4) In no event shall an in street sign be placed in a manner or design inconsistent with the <u>Manual on Uniform Traffic Control Devices</u> (MUTCD) nor any other provision of the Municipal Code for the City of Pulaski. (as added by Ord. #6, 2010, Nov. 2010)
- 16-113. <u>Speed bumps</u>. The City of Pulaski, Tennessee believes that "speed bumps" are valid and useful traffic control devices and may be allowed upon certain city streets in certain circumstances for the purpose of deterring speeding vehicles. The decision to place speed bumps shall be left to the discretion of the board of mayor and aldermen. Speed bumps will only be placed according to the following guidelines:
- (1) Speed bumps will only be allowed on secondary streets within the city limits of Pulaski, Tennessee.
- (2) Speed bumps will only be erected in areas which are residentially zoned, in Historic Zoning Overlay Districts or on streets which adjoin parks, athletic fields or educational institutions which are not residentially zoned.
- (3) In the event speed bumps are placed, the proper warning signs shall be erected so as to give notice to motorists of the existence of the traffic control device.
- (4) Speed bumps will be considered upon a demand by written petition to the board of mayor and aldermen, containing the signatures of at least eighty-five percent (85%) of the residents who reside on the street block where the traffic control device is requested to be maintained.
 - (a) The board of mayor and aldermen should consider the potential cost associated with the erection of a speed bump, as well as the total amount expended on speed bumps during the fiscal year in which the determination is being made, in making its determination whether to authorize the construction of a speed bump.
 - (b) The board of mayor and aldermen should also consider traffic volume in making its determination whether to authorize the construction of a speed bump.

Upon a resolution of the board of mayor and aldermen, speed bumps which comply with these requirements will be permitted, constructed and maintained by the City of Pulaski, Tennessee.

In the event any section, provision, or part of this section shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall not affect the validity of the section as a whole, or any section, provision or part hereof not adjudged invalid or unconstitutional.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

The ordinance comprising this section shall take effect from and after its passage, the public welfare requiring it. (as added by Ord. #5, 2011, June 2011)

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the building inspector is open for business, and said permit shall be retroactive to the date when the work was begun. (1977 Code, § 12-101)

16-202. <u>Applications</u>. Applications for such permits shall be made to the building inspector, 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

¹State law reference

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

- **16-204.** Deposit or bond laws relating to the work to be done. Such application shall be rejected or approved by the building inspector within twenty-four (24) hours of its filing. (1977 Code, § 12-102)
- **16-203.** <u>Fee</u>. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1977 Code, § 12-103)
- . No such permit shall be issued unless and until the applicant therefor has deposited with the building inspector 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 building inspector 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 city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the building inspector a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1977 Code, § 12-104)

- 16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1977 Code, § 12-105)
- **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 city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the building inspector shall give notice to the person, firm, corporation,

association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1977 Code, § 12-106)

- 16-207. <u>Insurance</u>. 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 building inspector in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1977 Code, § 12-107)
- 16-208. <u>Time limits</u>. 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 city if the city 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 building inspector. (1977 Code, § 12-108)
- **16-209.** Supervision. The building inspector 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 city 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. (1977 Code, § 12-109)
- 16-210. <u>Driveway curb cuts</u>. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the building inspector. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard

to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1977 Code, § 12-110)

CONSTRUCTION OF SIDEWALKS AND CURBING

SECTION

- 16-301. Owners required to construct sidewalks and curbing.
- 16-302. Notice to owner required.
- 16-303. Result of refusal of owner after notice.
- 16-304. Demand to be made for payment; arrangements for payment, etc.
- 16-305. Maintenance.
- 16-301. Owners required to construct sidewalks and curbing. The owners of any property within the corporate limits of the city, except that zoned C-I, Central Business District, and fronting upon, or adjoining any paved street within the city shall be required to construct or bear the expense of constructing a suitable sidewalk and/or curbing along the entire frontage of their property. All such sidewalks and curbing shall be constructed in accordance with requirements established by the street and sanitary committee. (1977 Code, § 12-201, as amended by Ord. #15, 1999, Oct. 1999, as replaced by Ord. #6, June 2006)
- **16-302.** Notice to owner required. It shall be the duty of the city attorney to give any owner who fails or refuses to construct or bear the expense of construction of such sidewalk or curbing a (15) day written notice of the intention of the board to require such owner to construct or bear the expense of constructing such sidewalk and curbing. All such notices shall be sent pursuant to action of the board indicated by a proper minute entry to that effect. (1977 Code, § 12-202, as replaced by Ord. #6, June 2006)
- 16-303. Result of refusal of owner after notice. If any owner shall refuse to construct or bear the expense of constructing such a sidewalk and/or curbing after such notice, the chairman of the street and sanitary committee shall immediately proceed to cause said sidewalk and/or curbing to be constructed. (1977 Code, § 12-203, as replaced by Ord. #6, June 2006)
- **16-304.** Demand to be made for payment; arrangements for payment, etc. Immediately upon the completion of said construction, the chairman of the street and sanitary committee shall deliver to the city attorney a statement of the total costs of such construction. It shall be the duty of the city attorney to make formal demand, by registered mail, for payment, and in said demand, to set a deadline of not less than ten (10) nor more than fifteen (15) days from the date of the mailing of the letter within which arrangements for payment must be made with the recorder.

The city recorder is authorized, empowered, and directed to accept a cash payment of the total amount due or any reasonable, interest free, installment payment plan proposed by the property owner. However, if the property fails to make a timely cash payment, or arrangements for payment by installments, or defaults on any installment payment the entire balance owed shall be due and payable immediately. In such case the board may direct the city attorney to institute suit in the name of the city for recovery of the total amount remaining unpaid. (1977 Code, § 12-204, as replaced by Ord. #6, June 2006)

16-305. <u>Maintenance</u>. All owners of property, except that property zoned C-I Central Business District, abutting or adjoining paved streets shall cause the sidewalks and curbs around the same to be maintained at all times and when any such sidewalk or curbing shall deteriorate to the extent that a new sidewalk or curb shall be necessary, the board shall proceed under the preceding sections. (1977 Code, § 12-205, as amended by Ord. #15, 1999, Oct. 1999, as replaced by Ord. #6, June 2006)

[DELETED]

This chapter was deleted by Ord. #6, 2012, Sept. 2012.

PARKS AND RECREATIONAL FACILITIES

SECTION

16-501. Sam Davis Park.

16-502. Other parks and recreational facilities.

16-503. [Deleted.]

- **16-501.** <u>Sam Davis Park</u>. (1) <u>Supervision</u>. The parks and recreation director shall be the park supervisor. He shall have active charge of the grounds and report all violations of this section to the parks and recreation committee at once.
- (2) <u>Rules and regulations</u>. The parks and recreation committee and director shall be guided by the following rules and regulations in controlling and managing Sam Davis Park:
 - (a) Sam Davis Park is to be used as a playground, athletic field and for such other purposes as are consistent with the provisions of the original deed of conveyance or which will not interfere with the use contemplated in said deed.
 - (b) Any person, group or organization desiring to use the park shall first obtain permission from the parks and recreation director.
 - (c) No carnival, circus, rodeo or similar show or attraction may operate in the park unless it shall be operated in conjunction with a fair or other show where a carnival would be necessary and to the best interests of the people of Pulaski.
 - (d) Any carnival, circus, rodeo, group, club, individual, firm or corporation using the park for any purpose or sponsoring or promoting any activity therein, must agree to repair any damage done to the field, fences, stands, light poles, or any house, shed, structure or fixture, as a direct result of its use of the park facilities, and shall further agree to clear the park of all rubbish, trash, or other debris immediately after such use. Any violation of this section shall result in the forfeiture of the right to the further use of the park by the person.
- (3) <u>Utilities</u>. When any person, firm, club, group, organization, individual, or corporation receives permission to use the parks, the user shall notify the director of parks and recreation, whose duty it shall be to provide the necessary utilities which shall be paid for by the user. (1977 Code, § 12-401, as amended by Ord. #3, 2000, July 2000, and Ord. #6, 2012, Sept. 2012)
- **16-502.** Other parks and recreational facilities. In so far as practicable, other city parks and recreational facilities shall be operated in accordance with the provisions applicable to Sam Davis Park. (1977 Code, § 12-402)

 $\textbf{16-503.} \ \ \underline{\textbf{[Deleted.]}} \ \text{This section was deleted by Ord. \#3, 2000, July 2000.} \\ (1977\ \text{Code, } \S\ 12\text{-}403, \text{ as deleted by Ord. \#3, 2000, July 2000)}$

CHAPTER 6

MOVING BUILDINGS OVER STREETS, ETC.

SECTION

- 16-601. Definitions.
- 16-602. Permit required.
- 16-603. Application.
- 16-604. Deposit for expense to city.
- 16-605. General deposit.
- 16-606. Duties of building inspector.
- 16-607. Duties of permittee.
- 16-608. Enforcement.
- **16-601.** <u>Definitions</u>. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and the words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- (1) "Building" is a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. A structure of the following dimensions shall not fall within this definition: ten (10) feet high by fifteen (15) feet long by eight (8) feet wide.
- (2) "Building inspector" is the building inspector of the City of Pulaski, Tennessee.
 - (3) "City" is the City of Pulaski, Tennessee.
- (4) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind. (1977 Code, 12-501)
- **16-602.** <u>Permit required</u>. No person shall move any building over, along, or across any highway, street, or alley in the city without first obtaining a permit from the building inspector. (1977 Code, 12-502)
- **16-603. Application**. A person seeking issuance of a permit hereunder shall file an application for such permit with the building inspector.
- (1) <u>Form</u>. The application shall be made in writing, upon forms provided by the building inspector, and shall be filed in the office of the building inspector.
 - (2) <u>Contents</u>. The application shall set forth:

- (a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms, and condition of the exterior and interior.
- (b) A legal description of the lot from which the building is to be moved, giving the lot, block, and tract number, if located in the city.
- (c) A legal description of the lot to which it is proposed to be removed, giving the lot, block and tract number, if located in the city.
- (d) The portion of the lot to be occupied by the building when moved.
- (e) The highways, streets, and alleys over, along, or across which the building is proposed to be moved.
 - (f) Proposed moving date and hours.
- (g) Any additional information which the building inspector shall find necessary to a fair determination of whether a permit should issue.

(3) Accompanying papers.

- (a) <u>Tax certificate</u>. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any city charges against the same are paid in full.
- (b) <u>Certificate of ownership or entitlement</u>. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.
- (4) <u>Fee</u>. The application shall be accompanied by a permit fee in the amount of \$25.00. (1977 Code, 12-503)
- 16-604. Deposit for expense to city. Upon receipt of an application it shall be the duty of the building inspector to procure from the appropriate departments an estimate of the expense that will be incurred in removing and replacing any electrical wires, street lamps, poles, or lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals and replacements. Prior to the issuance of permit the building inspector shall require the applicant to deposit a sum of money equal to twice the amount of the estimated expense. (1977 Code, 12-504)
- 16-605. General deposit. An application hereunder shall be accompanied by a cash deposit in the sum of \$2,000.00 as an indemnity for any damage which the city may sustain by reason of damage or injury to any highway, street, alley, sidewalk, fire hydrant, or other property of the city, which may be caused by or be incidental to the removal of any building over, along, or across the streets in the city and to indemnify the city against any

claim of damages to persons or private property and to satisfy any claims by private individuals arising out of, caused by, or incidental to the moving of any building over, along, or across any street in the city.

- (1) Bond in lieu of deposit. Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the building inspector a bond, approved as to form by the city attorney, executed by a bonding or surety company authorized to do business in the State of Tennessee, in the amount of two thousand dollars (\$2,000) conditioned upon the assurance that this and other applicable ordinances and laws will be complied with. Such bond shall run to the city for the use and benefit of any person or persons intended to be protected thereby and shall be conditioned on the payment of any damage to public property or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, or nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.
- (2) <u>Insurance policy in lieu of deposit</u>. Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the building inspector a liability insurance policy, issued by an insurance company authorized to do business in the State of Tennessee and approved as to form by the city attorney, in the same amount and providing for the same protection as would be required for a bond hereunder.
- (3) Any person filing an application hereto may in lieu of (1) and (2) above, execute a personal bond, which personal bond shall be approved by the finance committee of the board of mayor and aldermen. (1977 Code, § 12-505)
- **16-606.** <u>Duties of building inspector</u>. (1) <u>Inspection</u>. The building inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.
- (2) <u>Standards for issuance</u>. The building inspector shall refuse to issue a permit if he finds:
 - (a) That any application requirement or any fee or deposit requirement has not been complied with.
 - (b) That the building is too large to move without endangering persons or property in the city.
 - (c) That the building is in such state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city.
 - (d) That the building is structurally unsafe and that persons and property would be endangered by its use.
 - (e) That the applicant's equipment is unsafe and that persons or property would be endangered by its use.
 - (f) That zoning or other ordinances would be violated by the building in its new location.

- (g) That for any other reason persons or property in the city would be endangered by the moving of the building.
- (3) <u>Fees and deposits</u>. (a) <u>Deposit</u>. The building inspector shall deposit all fees and deposits and all bonds or insurance policies with the city recorder.
- (b) Return upon allowance for expense. After the building has been removed the building inspector shall furnish the mayor with a written statement of all expenses incurred in removing and replacing all property belonging to the city, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon the property belonging to the city. Provided, however, that if any wires, poles, lamps, or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The mayor shall authorize the building inspector to return to the applicant all deposits after the city recorder deducts the sum sufficient to pay for all of the costs and expenses and for all damages done to the property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned.
- (4) <u>Designate streets for removal</u>. The building inspector shall procure from the street department a list of the designated streets over which the building may be moved. The building inspector shall have the list approved by the chief of police and shall reproduce the list upon the permit in writing. In making their determinations the street department and the chief of police shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets. (1977 Code, 12-506)

16-607. Duties of permittee. Every permittee under this chapter shall:

- (1) <u>Use designated streets</u>. Move a building only over streets designated for such use in the written permit.
- (2) <u>Notify of revised moving time</u>. Notify the building inspector in writing of a desired change in moving date and hours as proposed in the application.
- (3) <u>Notify of damage</u>. Notify the building inspector in writing of any and all damages done to property belonging to the city within 24 hours after the damage or injury has occurred.
- (4) <u>Display lights</u>. Cause red lights to be displayed during the night time on every side of the building while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.
- (5) <u>Street occupancy period</u>. Remove the building from the city streets after four days of such occupancy unless an extension is granted by the mayor.

- (6) <u>Comply with governing law</u>. Comply with the building code, the fire code, and the zoning ordinance and all other applicable ordinances and laws on relocating the building in the city.
- (7) <u>Pay expense of officer</u>. Pay the expenses of a traffic officer ordered by the building inspector to accompany the movement of the building to protect the public from injury.
- (8) <u>Clear old premises</u>. Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.
- (9) Remove service connection. See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to remove their services. (1977 Code, 12-507)
- **16-608.** Enforcement. (1) Enforcing officers. The building inspector, the police department, and the department of public works shall enforce and carry out the requirements of this chapter.
- (2) <u>Permittee liable for expense above deposit</u>. The permittee shall be liable for any expense, damages, or costs in excess of the deposited amounts or securities and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.
- (3) <u>Original premises left unsafe</u>. The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition where permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the general deposit. (1977 Code, 12-508)

CHAPTER 7

LITTER, WEEDS, ETC.

SECTION

- 16-701. Littering streets and private property prohibited.
- 16-702. Weeds, etc.
- 16-703. Open storage of appliances, inoperative vehicles, etc., prohibited.
- 16-704. Contractors, etc., to keep construction sites clean.
- 16-705. Loose cargo to be covered.
- 16-706. Suitable containers to be provided at packing and loading operations.
- 16-707. Violations.
- 16-708. Inspections; notice to remove; removal by city; reimbursement by owner.
- 16-709. Abatement of conditions; owners' liability; expenses constitute lien; penalty and interest.
- 16-710. Appeal.
- 16-711. Supplemental nature of this section.
- **16-701.** <u>Littering streets and private property prohibited</u>. It shall be unlawful for any person or persons to throw, scatter, distribute or allow trash, rubbish, or litter to be scattered on the public streets and highways of the City Of Pulaski or to distribute, throw or scatter rubbish or litter on private and public property within the city. (1977 Code, § 12-901)
- 16-702. Weeds, etc. It shall be unlawful for any person or persons to permit on their property within the City of Pulaski the unrestricted growth or weeds, high grass and other vegetation, or the accumulation of trash, refuse, rubbish, litter, or any other substance, animal or thing, to such an extent that such growth or accumulation is injurious to the health and welfare of an inhabitant of the City of Pulaski. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (1977 Code, § 12-902)
- 16-703. Open storage of appliances, inoperative vehicles, etc., prohibited. It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any refrigerator, washing machine, dryer, television, microwave, window air conditioners, stove, and any other household appliances, glass, building rubbish or any motor vehicle that is not currently registered or has been incapable of operation for seventy-two (72) hours. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such above mentioned items as listed above, and further to remove dead trees, trash, and garbage upon notice from the building inspector, chief of police or his designee.

The foregoing items if stored behind an opaque fence of at least six (6) feet in height shall be deemed not to be openly stored. (1977 Code, § 12-903, as replaced by Ord. #5, 2002, June 2002)

- 16-704. Contractors, etc., to keep construction sites clean. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project. (1977 Code, § 12-904)
- **16-705.** <u>Loose cargo to be covered</u>. (1) It shall be unlawful for any person, firm, corporation, institution or organization to transport any loose cargo by truck or other motor vehicle within the corporate limits of the city unless said cargo is covered and secured in such manner as to prevent depositing of litter on public or private property.
- (2) The duty and responsibility imposed by subsection (1) shall be applicable alike to the owner of the truck or other vehicle, the operator thereof, and the person, firm, corporation, institution or organization from whose residence or establishment the cargo originated.
- (3) In the prosecution charging a violation of subsection (1), lack of adequate covering and securing shall in itself constitute proof a violation has been committed. (1977 Code, § 12-905)
- 16-706. Suitable containers to be provided at packing and loading operations. Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers there for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof. (1977 Code, § 12-906)
- 16-707. <u>Violations</u>. Any person found to be in violation of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars upon conviction of said offense in the Pulaski Municipal Court. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (1977 Code, § 12-907)
- 16-708. Inspections; notice to remove; removal by city; reimbursement by owner. The building inspector of the City of Pulaski or those persons he may designate, shall inspect any property within the City of Pulaski suspected of being in violation of this chapter. In the event the building inspector determines that a violation of this chapter exists, the building inspector will cause to be sent a notice to the property owners as shown upon the tax book of the city. Said notice shall advise the owners that there exists a violation of this chapter and that in the event compliance is not effected within ten (10) calendar days from the date of mailing such notice, the City of Pulaski will cause removal of the condition to be accomplished, and the expense thereof charged to the property and the owners thereof. The notice shall be forwarded

to the last known address of all owners of the subject property by registered or certified mail return receipt requested. In the event the removal of the offending condition shall not have been accomplished in the time allowed in the aforementioned notice, the building inspector is further authorized and directed to cause the removal to be done at the expense of the City of Pulaski. The building inspector shall then notify the owners of the property of the amount of such expense in the same manner as hereinabove, and shall further notify such owners that reimbursement of such expense is required within ten (10) days from date of such notice. (1977 Code, § 12-908)

- 16-709. Abatement of conditions; owners' liability; expenses constitute lien; penalty and interest. The street department of the City of Pulaski, after notification of the property owners as set out in § 16-708, shall have the authority to abate the conditions described in this chapter by removing from the property the condition or substance or thing causing the violation as hereinabove set forth. All owners of property shall be liable jointly and separately for the expense of removal of the condition, substance or thing upon their property, and the property itself shall be subject to suit for reimbursement of such expenses. In the event the expense of such removal shall not have been paid within the ten (10) day period allowed following notice as hereinabove provided, then the expenses shall be entered upon the tax books of the city as a lien against such parcel of property whereon such expense was incurred. In the event such expense shall not have been reimbursed by the date upon which taxes are due and payable for the year in which same was incurred, then the city recorder shall cause to be added to said amounts penalty and interest as are applicable to delinquent assessments which shall constitute a lien on property. (1977 Code, § 12-909)
- 16-710. <u>Appeal</u>. The owner of record who is aggrieved by the determination and order of the building inspector may appeal the determination to the board of mayor and aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice pursuant to this chapter. The failure to appeal within this time period shall constitute a waiver of the right to a hearing. (1977 Code, § 12-910)
- 16-711. <u>Supplemental nature of this section</u>. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code or other applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush, and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements. (1977 Code, § 12-911)

CHAPTER 8

PARADES

SECTION

- 16-801. Short title.
- 16-802. Definitions.
- 16-803. Purposes
- 16-804. Permit.
- 16-805. Application.
- 16-806. Standards for issuance.
- 16-807. Contents of permit.
- 16-808. Duties of permittee.
- 16-809. Revocation of permit.
- 16-810. Notice to city officials.
- 16-811. Violation and penalty.
- 16-812. Events held in multiple locations permitted.
- **16-801.** Short title. This chapter shall be known and may be cited as the "Parade Chapter of the City of Pulaski." (1977 Code, § 12-1001)
- **16-802. Definitions**. The following words, for the purpose of this chapter, shall have the following meanings:
- (1) "Parade" is any meeting, parade, demonstration, exhibition, festival, homecoming, assembly, or other such event to be held in or upon any street, park, or other public place in Pulaski unless such event is entirely confined to city property governed by rules and regulations of the Department of Parks and Recreation of the City of Pulaski.
 - (2) "City" is the City of Pulaski.
- (3) "Board of mayor and aldermen" is the board of mayor and aldermen of Pulaski.
 - (4) "City recorder" is the city recorder of Pulaski.
 - (5) "Chief of police" is the chief of police of Pulaski.
 - (6) "Parade permit" is a permit as required by this chapter.
- (7) "Person" is any person, firm, group, partnership, association, corporation, company, or organization of any kind, including multiple organizations who may be working together. (1977 Code, § 12-1002, as amended by Ord. #7, 2011, Sept. 2011, and Ord. #7, 2012, Oct. 2012)
- **16-803.** <u>Purposes</u>. (1) The City of Pulaski recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.
- (2) The city passes this chapter to regulate the time, place, and manner of parades.

- (3) The city passes this chapter in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.
- (4) The City of Pulaski has limited resources and passes this chapter so that it may properly allocate these resources among its citizens.
- (5) The purpose of this chapter is to promote order, safety, and tranquility in the streets of the City.
- (6) This chapter is passed to help minimize traffic and business interruptions during parades. (1977 Code, § 12-1003)
- **16-804. Permit**. (1) No person shall parade unless a parade permit has been obtained from the board of mayor and aldermen. Any parade held without the proper permit shall be unlawful.
- (2) This chapter shall not apply to funeral processions, students going to and from school classes or participating in educational activities or other school activities such as sports events, providing that such conduct is under the immediate direction and supervision of the proper school authorities and a governmental agency acting within the scope of its functions and in events sponsored by the city. (1977 Code, § 12-1004)
- **16-805.** <u>Application</u>. (1) Any person seeking issuance of a parade permit shall file an application with the city recorder on forms provided by the city recorder. The city recorder shall place the request for a parade permit on the agenda of the next meeting of the board of mayor and aldermen for action by it in the normal course of business.
- (2) The application for a parade permit shall be filed in writing with the city recorder not less than thirty (30) days prior to the contemplated parade or five (5) days prior to any regularly scheduled called meeting of the board of mayor and aldermen. No permit shall be granted sooner than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of mayor and aldermen.
- (3) The application for a parade permit shall set forth the following information:
 - (a) The name, address, and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;
 - (b) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
 - (c) The date when the parade is to be conducted;
 - (d) The route to be traveled, the starting point, and the termination point;
 - (e) The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of the vehicles;

- (f) The hours when the parade will begin and end;
- (g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (h) The location by streets of any assembly area(s);
- (i) The time at which units of the parade will begin to assemble at any assembly area(s);
- (j) The interval of space to be maintained between units of the parade; and
- (k) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person.
- (l) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Pulaski.
- (4) The board of mayor and aldermen shall decide whether to grant the application for a permit. The board of mayor and aldermen may consult with the chief of police in making their decision.
- (5) The board of mayor and aldermen in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace, or order. (1977 Code, § 12-1005)
- **16-806.** Standards for issuance. (1) The mayor and board of aldermen shall issue a parade permit upon consideration of the application and other information obtained when they find that:
 - (a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;
 - (b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire, or ambulance services;
 - (c) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay;
 - (d) The applicant has satisfied the bond requirement; and
 - (e) No other permit has been granted for the same day.
- (2) A permit shall be granted to the first person properly applying under the requirements of this chapter.
- (3) No permit shall be granted for a parade except those which will be held between the hours of 6:00 A.M. and 12:00 midnight prevailing time.
- (4) No permit shall be granted to any person until the applicant has posted in advance a two hundred fifty (\$250.00) bond to cover the reasonable expenses incurred in the clean up efforts after the parade.
- (5) The city recorder shall notify the applicant within five (5) days after the action of the board of mayor and aldermen whether the permit has been granted or denied if the permit has been denied, the city recorder shall set forth the reasons why the board of mayor and aldermen denied the permit.

- (6) In computing any period of time set out in this chapter, no Saturdays, Sundays, or holidays are to be computed in the time period. (1977 Code, § 12-1006, as amended by Ord. #8, 1997, July 1997, and Ord. #7, 2011, Sept. 2011)
- **16-807.** Contents of permit. Each parade permit shall state the following:
 - (1) Assembly and disassembly time and place;
 - (2) Starting time;
- (3) The route and the portions of the streets to be traversed that may be occupied by the parade;
 - (4) Minimum speed;
 - (5) Maximum speed;
 - (6) Interval of space between parade units;
 - (7) The maximum length of the parade in miles or fractions thereof;
- (8) Other information as the board of mayor and aldermen in cooperation with the chief of police shall find necessary to the enforcement of this chapter. (1977 Code, § 12-1007)
- **16-808.** <u>Duties of permittee</u>. (1) A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and chapters.
- (2) The permittee shall advise parade participants of such permit requirements.
- (3) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.
- (4) All permittees who hold a parade permit that includes animals shall be responsible for the clean-up after the animals immediately after the parade.
- (5) The applicant shall assure the board that neither the parade nor the assembly point will interfere with or unreasonably obstruct the response capabilities of the fire fighting equipment and other emergency response vehicles. (1977 Code, § 12-1008)
- **16-809.** Revocation of permit. (1) The board of mayor and aldermen or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that
 - (a) Applicant materially misrepresented facts or information in the application; and/or
 - (b) Applicant failed to meet the standards for issuance set forth herein.

- (2) The board of mayor and aldermen or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if
 - (a) A public emergency arises requiring such revocation to protect the safety of persons or property; or
 - (b) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs. (1977 Code, § 12-1009)
- **16-810.** Notice to city officials. Immediately upon the issuance of a parade permit, the city recorder shall send a copy of the permit to the following:
 - (1) The mayor;
 - (2) The city attorney;
 - (3) The fire chief;
 - (4) The ambulance authority; and
 - (5) The chief of police. (1977 Code, § 12-1010)
- **16-811.** <u>Violation and penalty</u>. (1) It shall be unlawful for any person to parade without first having obtained a permit as required by this chapter.
- (2) It shall be unlawful for any person to participate in a parade on the streets of Pulaski for which a permit has not been granted.
- (3) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.
- (4) Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each violation. (1977 Code, § 12-1012)
- **16-812.** Events held in multiple locations permitted. (1) In the event a person seeking to obtain a permit under this chapter desires to "parade" in multiple locations, compliance with the following requirements, in addition to those outlined by this chapter, shall be required.

The chiefs of police and fire certify to the board of mayor and aldermen that the added burden created by the parade's additional locations will not place an unreasonable burden on their respective department's resources.

(2) Approval of a permit which complies with this § 16-812 shall be left solely to the discretion of the board of mayor and aldermen. (as added by Ord. #7, 2011, Sept. 2011)

CHAPTER 9

CLEAN STREETS AND PUBLIC WAYS

SECTION

16-901. Intent.

16-902. Spilling of material and tracking of debris on public streets.

16-903. Penalties.

16-901. Intent. The spilling of vehicle loads and the tracking of debris on public streets of the city can be a dangerous and unsightly factor that can lead to damage to personal property and deterioration of public streets. The board of mayor and aldermen understands that the Tennessee Code Annotated, article 7, chapter 31, section 101, requires the City of Pulaski to keep the city streets in good repair and believes that allowing excessive dirt and debris to accumulate on city streets does not conform with this requirement. Further, the board of mayor and aldermen find that the spilling of vehicle loads and the tracking of debris can be a public nuisance, and recognizes that appropriate measures must be taken to keep public streets free from debris and other materials spilling from vehicles. Debris and other material spilling from vehicles may pose a danger of physical injury and property damage to motorists, pedestrians and other inhabitants of the City of Pulaski and cause the proliferation of dangerous, unsanitary or unsightly conditions within the city. This enactment is designed to protect, promote and preserve the health, safety and welfare of the citizens of the City of Pulaski, and control blighting and any dangerous, unsanitary or unsightly condition. (as added by Ord. #4, 2008, May 2008, and replaced by Ord. #2, 2011, April 2011)

16-902. Spilling of material and tracking of debris on public streets. It shall be unlawful for any property owner or for any person to operate, or permit to be operated, any vehicle upon the public streets of the City of Pulaski that spills material, or that is not free from debris that could be tracked onto the public streets in such a manner as to:

- (1) Cause a safety hazard by interfering with the use or observation of any traffic signal, traffic sign, traffic device or street markings;
- (2) Obstruct, impede or hinder normal traffic flow of any public street. To obstruct would mean to render passage unreasonably dangerous and/or potentially injurious to property or person;
- (3) Create a likelihood that any spilled material or debris, as defined in subsection (5), shall be thrown into a windshield, create a punctured tire or cause any other property damage to any other vehicle, or property damage or personal injury to any person;
- (4) Impede the flow of water in gutters or along streets or that would tend to clog drains, ditches or sewers; or

- (5) Create, by the presence of any debris, an unsightly and aesthetically unpleasing condition within the City of Pulaski. Debris means the remains of any material broken down and tracked onto any highway by any vehicle including mud, dirt, rocks, brush and any other loose material. (as added by Ord. #4, 2008, May 2008, and replaced by Ord. #2, 2011, April 2011)
- **16-903.** <u>Penalties</u>. (1) A violation of § 16-902 by any property owner or any other person shall be deemed a civil violation and shall be punishable by a fine not to exceed fifty dollars (\$50.00).

In addition to the fine prescribed above, the property owner or any other person operating or permitting the operation of a motor vehicle in violation of § 16-902 shall immediately cause the public street to be cleared of spilled material or debris, as defined herein. If traffic or other conditions are such that it would not be safe to remove the spilled material or debris, the person responsible for the spilled material or debris shall immediately notify the police department and request assistance.

(2) Upon a second violation of § 16-902, in addition to the penalties referenced in § 16-903(1), the chief of police, or a member of the police department he designates, shall investigate the alleged violation, and if after such investigation determines that there is a violation of § 16-902 then he shall issue, or cause to be issued, a "notice of violation" to the property owner or other person operating or permitting a motor vehicle to be operated in violation of this enactment.

The "notice of violation" shall be delivered to the property owner or other person operating or permitting the operation of a motor vehicle to be driven in violation of this enactment during normal business hours (9:00 A.M. - 5:00 P.M., Monday - Friday). The "notice of violation" shall state with specificity which subsection was violated, the date the violation occurred, the reason for the violation and the remedy that the City of Pulaski expects to be undertaken by the property owner or other person

The "notice of violation" shall further state that the property owner or other person receiving the notice shall have eight (8) hours to bring the public street into compliance with this enactment, with such compliance to be confirmed by the chief of police, or a member of the police department he designates.

If after the expiration of eight (8) hours the public street remains in violation of § 16-902, "no access" notices shall be placed at all points of egress of the offending premises to the street in violation, from which a violation has been allowed to occur. Nothing in this part shall be construed to prevent vehicles and equipment from leaving the offending premises for the purpose of achieving compliance with this enactment. These notices shall remain in place until such time as the chief of police, or a member of the police department he designates, confirms compliance with this enactment.

All reasonable efforts should be made by the City of Pulaski and any property owner or other person receiving the "notice of violation" to act responsibly and timely to achieve compliance with this enactment. The purpose of closing streets pursuant to this part is not to punish offending property owners, but rather to ensure that dirt and debris does not continue to be tracked or spilled upon the city streets during their cleanup. The closing of any public street pursuant to this enactment serves to ensure that minimal disruption of traffic and business occurs as a result of a violation of this enactment.

With respect to the receipt of three (3) or more "notices of violation" within a six (6) month period for a violation of § 16-902(1)--(5), the property owner or any other person operating or permitting the operation of a motor vehicle in conflict with this enactment shall be required to submit an action plan to the board of mayor and aldermen within seven (7) days before the next regularly scheduled meeting. The action plan shall provide the reason for the violations, efforts made to get the public street into compliance, and any proposed remediation plans to prevent future non-compliance.

Nothing in this part shall be construed to prevent the chief of police, or a member of his department, from consulting with the Pulaski Street Department to assist him in determining whether a violation of § 16-902(4) has occurred.

- (3) Each day any violation of this section occurs shall constitute a separate offense.
- (4) If it becomes necessary for the City of Pulaski to remove any spilled material or debris, the property owner or other person responsible shall be required to pay all reasonable costs incurred by the City of Pulaski for such removal. (as added by Ord. #4, 2008, May 2008, and replaced by Ord. #2, 2011, April 2011)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Supervision of collection and disposal.
- 17-102. Definitions.
- 17-103. Premises to be kept clean.
- 17-104. Storage.
- 17-105. Location of containers.
- 17-106. Disturbing containers.
- 17-107. [Deleted.]
- 17-108. Frequency of collection.
- 17-109. Service fees for collection, removal, and disposal.
- 17-110. Special collection services.
- 17-111. Disposal sites; rules and regulations; fees.
- 17-112. Special rules, regulations, and charges authorized for certain refuse.
- 17-113. Exceptions.
- 17-114. Implementing authority of street and sanitary department.
- 17-115. Violations.
- 17-101. <u>Supervision of collection and disposal</u>. The street and sanitary department shall be responsible for the collection and disposal of all refuse and the general sanitation of the city and shall be under the supervision of the street and sanitary committee of the City of Pulaski. (1977 Code, § 8-101)
- 17-102. <u>Definitions</u>. "Refuse" shall mean and include all garbage, rubbish, and waste, as those terms are generally defined, except that dead animals and fowls (other than household pets) and body wastes are expressly excluded therefrom and shall not be stored therewith. (1977 Code, § 8-102)
- 17-103. <u>Premises to be kept clean</u>. All persons within the city are required to keep their premises in a clean and sanitary condition, free from

Property maintenance regulations: title 13.

¹Municipal code reference

accumulations of refuse except when stored as provided in this chapter. (1977 Code, § 8-103)

17-104. <u>Storage</u>. Each owner, occupant, or other responsible person using or occupying any building or other premises within the city where refuse accumulates, or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. Refuse containers shall have a capacity of 90 gallons and shall be constructed so as to be compatible with the mechanical garbage collection compactors and the combined weight of any refuse container and its contents shall not exceed 400 pounds. These containers shall be of the type approved by the City of Pulaski and shall be strong, durable, on wheels, and rodent and insect proof. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids.

No garbage pickup will be made by the city of any 55 gallon metal drums. (1977 Code, § 8-104)

- 17-105. <u>Location of containers</u>. Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city's 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 city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied (which in no event shall be longer than twenty-four (24) hours) 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. (1977 Code, § 8-105)
- 17-106. <u>Disturbing containers</u>. 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 anti-litter cans for the deposit of refuse commonly recognized as litter. (1977 Code, § 8-106)
- **17-107.** [Deleted.]. This section was deleted by Ord. #3, 2000. (1977 Code, § 8-107, as deleted by Ord. #3, 2000, July 2000)
- 17-108. <u>Frequency of collection</u>. The street and sanitary department is authorized and directed to prepare schedules for regular collection of refuse throughout the city. Refuse shall be collected in accordance with announced schedules and as often as reasonably necessary to protect against health and fire hazards. (1977 Code, § 8-108)

17-109. Service fees for collection, removal, and disposal.

(1)(a) Residential units; per unit \$9.20 per month

<u>Indigents</u>: Those residents whose income is less than \$500.00 per month may execute an affidavit of income which shall be approved by the city recorder and no charge shall be made upon the execution of the affidavit. Income shall mean the total combined income of all members of the household regardless of the source.

Commercial Polycart Users

Number of carts	Frequency of Service per week					
	1x	2x	3x	4x	5x	6x
1 cart	\$ 24.18	\$ 29.62	\$ 35.05	\$ 40.49	\$ 45.92	\$ 56.79
2 carts	\$ 35.05	\$ 40.49	\$ 45.92	\$51.36	\$ 56.79	\$ 67.66
3 carts	\$ 45.92	\$ 51.36	\$ 56.79	\$ 62.23	\$ 67.66	\$ 73.10
4 carts	\$ 56.79	\$ 62.23	\$ 67.66	\$ 73.10	\$ 78.53	\$ 83.97
5 carts	\$ 67.66	\$ 73.10	\$ 78.53	\$ 83.97	\$ 89.40	\$ 94.84
6 carts	\$ 78.53	\$ 83.97	\$ 89.40	\$ 94.84	\$100.27	\$105.71
8 carts	\$100.27	\$105.71	\$111.14	\$116.58	\$122.01	\$127.45
10 carts	\$122.01	\$127.45	\$132.88	\$138.32	\$143.75	\$149.19

Residential Polycart Users

Number of carts

1 cart	\$10.00
2 carts	\$17.60
3 carts	\$25.21

<u>Dumpster</u> <u>Size</u>	Frequency of Service per week					
	1x	2x	3x	4x	5x	6x
3 yard	\$ 35.05	\$ 56.79	\$ 67.66	\$ 78.53	\$ 89.40	\$100.27
4 yard	\$ 45.92	\$ 67.66	\$ 78.53	\$ 89.40	\$100.27	\$111.14
6 yard	\$ 56.79	\$ 78.53	\$ 89.40	\$100.27	\$111.14	\$122.01
8 yard	\$ 67.66	\$ 89.40	\$100.27	\$111.14	\$122.01	\$132.88
12 yard	\$ 89.40	\$111.14	\$122.01	\$132.88	\$143.75	\$154.62

- (b) There is hereby added to the duties of the street and sanitation committee the obligation of overseeing this service. In addition to the duties hereinafter set out it shall survey, on a continuing basis, the needs of each customer and make regulation concerning the need for mechanical dumpsters in order that the city may more efficiently handle refuse, with prime consideration being given to the need for the sanitary storage of refuse.
- (c) Any user who is aggrieved by the service charge assessed him may submit the grievance to the street and sanitation committee of the board of mayor and aldermen for consideration of the particular circumstances involved and, if in the opinion of the committee the request for an adjustment is warranted, the committee shall so inform the user and the city recorder of the adjustment, provided however, that any user submitting a request under this section shall continue to pay the regular rates until the adjustment is approved by the committee.
- (d) <u>Billing of service fee</u>. The service fee for collection and removal of refuse by the city shall be included as a separate item each month on the bills rendered by the Pulaski Electric System for electricity, water and sewer, and gas bills. The aforesaid charges shall be rendered on the first utility bills sent from and after April 12, 1994 and for each month thereafter, and said bills shall bear the same delinquent payment rate as do all other utility bills for the City of Pulaski.
- (e) Refuse removal shall be discontinued for failure to pay the service fee by the delinquency date prescribed for by the utility bill.
- (2) There are hereby established fees and charges for the use by all parties using the Pulaski Landfill:
 - (a) A fee of \$22.00 per ton shall be charged for all persons using the landfill.

- (b) There is a minimum bill of \$5.00 for 300 pounds or less. The foregoing fees apply to residents of the City of Pulaski and Giles County, Tennessee alike and no persons, firms, or corporations outside Giles County may use the landfill for any purpose. ¹
- One (1) 3 cubic yard LoDal container or its equivalent 14.00 One (1) 2 cubic yard LoDal container or its equivalent 10.00 One (1) Dempster-Dumpster container or its equivalent \$28.00
- (3) Nothing herein shall be construed as allowing any nonresidents of Giles County to use the city landfill facilities. This includes individuals, partnerships, corporations, and any organization dealing commercially in the disposal of garbage. (1977 Code, § 8-109, as amended by Ord. #14, 1997, Dec. 1997, Ord. #16, 1999, Oct. 1999, and Ord. #3, 2013, Feb. 2013)
- 17-110. <u>Special collection services</u>. The street and sanitary department may provide other collection and removal services to meet unusual circumstances and conditions, in accordance with regulations and fees recommended by it and approved by the municipal governing body. (1977 Code, § 8-110)
- 17-111. <u>Disposal sites; rules and regulations; fees</u>. It shall be unlawful for any person to dispose of refuse at any place other than a refuse disposal site designated by the municipal governing body. Refuse disposal sites shall be available for use subject to reasonable rules and regulations and disposal fees. No unauthorized person shall be allowed on the premises for any purpose such as scavenging or shooting of rodents. (1977 Code, § 8-111)
- 17-112. Special rules, regulations, and charges authorized for certain refuse. Collection, removal, and disposal of the following types of refuse shall be subject to reasonable rules and regulations and special charges recommended by the street and sanitary department and street and sanitary committee:
 - (1) Building or construction debris.
 - (2) Trees, tree trimmings, leaves, lawn clippings, etc.
- (3) Dangerous materials or substances such as poisons, acids, or caustics, or refuse which is highly infectious or combustible.
 - (4) Junk automobiles and other bulk items.

A fee of forty dollars (\$40.00) per ton shall be charged for all persons using the demolition landfill. (1977 Code, §8-112, as amended by Ord. #8,2015, Nov. 2015)

¹For a summary of landfill annual costs see the attachment to Ord. #9, 1991 of record in the office of the recorder.

- **17-113.** Exceptions. Nothing in this chapter shall prevent: (1) Any refuse producer from collecting, removing, and disposing of his own refuse, provided he does so in such manner as not to create a nuisance and provided further that he pays all applicable disposal fees.
- (2) Any refuse producer or owner from selling or giving salvageable materials to licensed junk dealers for collection, removal, and disposal. (1977 Code, § 8-113)
- 17-114. <u>Implementing authority of street and sanitary department</u>. The collection, removal, and disposal of refuse from premises in the city shall be under the supervision and control of the street and sanitary department. It shall recommend to the governing body such reasonable rules and regulations, not inconsistent with the provisions of this chapter, as it deems to be necessary or desirable, which shall become effective when approved by resolution of the governing body. (1977 Code, § 8-114)
- 17-115. <u>Violations</u>. Any person violating or failing to comply with any provision of this chapter or any lawful regulation of the street and sanitary department shall be subject to a penalty under the general penalty clause for this municipal code.

It shall further be a violation of this chapter if any nonresident of the City of Pulaski is found dumping in any dumping receptacle provided by various commercial establishments within the corporate limits for the disposition of their garbage which ultimately ends up in the landfill or, is found bringing garbage and placing the same in any area of the City of Pulaski in any private garbage or refuse receptacle intended for ultimate disposition in the landfill. This provision is cumulative with other ordinances of the City of Pulaski concerning refuse and litter. (1977 Code, § 8-115)

TITLE 18

WATER AND SEWERS¹

CHAPTER

- 1. WATER.
- 2. SEWERS.
- 3. SEWAGE.
- 4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Service lines.
- 18-107. Main extensions to developed areas.
- 18-108. Main extensions to other areas.
- 18-109. Variances from and effect of preceding rules as to extensions.
- 18-110. Meters.
- 18-111. Meter tests.
- 18-112. Schedule of rates and charges.
- 18-113. Multiple services through a single meter.
- 18-114. Billing.
- 18-115. Discontinuance or refusal of service.
- 18-116. Re-connection charge.
- 18-117. Termination of service by customer.
- 18-118. Access to customers' premises.
- 18-119. Inspections.
- 18-120. Customer's responsibility for system's property.
- 18-121. Customer's responsibility for violations.
- 18-122. Supply and resale of water.
- 18-123. Unauthorized use of or interference with water supply.

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

¹Municipal code references

- 18-124. Limited use of unmetered private fire line.
- 18-125. Damages to property due to water pressure.
- 18-126. Liability for cutoff failures.
- 18-127. Restricted use of water.
- 18-128. Interruption of service.
- 18-129. Limit on service outside corporate limits.
- **18-101.** <u>Application and scope</u>. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1977 Code, § 13-101)
- **18-102.** <u>Definitions</u>. (1) "Customer" means any person, firm, or corporation who receives water service from the municipality under either an express or implied contract.
- (2) "Household" means any two (2) or more persons living together as a family group.
- (3) "Service line" shall consist of the pipe line extending from any water main of the municipality to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the municipality's water main to and including the meter and meter box.
- (4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.
- (5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.
- (6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1977 Code, § 13-102)
- **18-103.** <u>Obtaining service</u>. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1977 Code, § 13-103)
- 18-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form contract before service is supplied. A twenty-five dollar (\$25.00) cut on fee shall be paid prior to service being established. In the event the service is discontinued or terminated due to lack of payment for such utility service, an additional twenty-five dollars (\$25.00) cut on fee shall be required each time the utility service is established. (1977 Code, § 13-104, as replaced by Ord. #4, 2002, May 2002)

- **18-105.** <u>Service charges for temporary service</u>. 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 used. (1977 Code, § 13-105)
- 18-106. <u>Service lines</u>. The municipality shall be responsible for the maintenance and upkeep of service lines from the main to and including the meter and meter box and such portion of the service lines shall belong to the municipality. The remaining portion of service lines beyond the meter box shall belong to and be the responsibility of the customer. (1977 Code, § 13-106)
- 18-107. <u>Main extensions to developed areas</u>. The provisions of this section shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the municipality the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit, as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the municipality at which times pro rata amounts of the cash deposit shall also be returned to the depositors. (1977 Code, § 13-107)

18-108. <u>Main extensions to other areas</u>. The provisions of this section shall apply to all areas to which the preceding section is not applicable, customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section cement-lined cast iron pipe, class 150 American Water Works Association Standard, not less than six inches in diameter, shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 500 feet from the farthest point of a building measured from existing roadways; cement-lined cast iron pipe two inches in diameter, to supply dwellings only, may be used to supplement such lines. All such lines

shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality.

Upon completion of such extensions and their approval by the municipality, such water mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water system and shall furnish water therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1977 Code, § 13-108)

18-109. <u>Variances from and effect of preceding rules as to extensions</u>. Whenever the governing body is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the governing body.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (1977 Code, § 13-109)

18-110. <u>Meters</u>. All meters shall be installed, tested, repaired, and removed only by the municipality.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1977 Code, § 13-110)

18-111. <u>Meter tests</u>. The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

Meter Size	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

Meter Size	<u>Test Charge</u>
5/8", 3/4", 1"	\$2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1977 Code, § 13-111)

18-112. <u>Schedule of rates and charges</u>. Customers of the municipal water system shall be billed for water service under the rate schedule set out in this section. The rates set out are net. The gross rates are 10% higher.

CITY OF PULASKI WATER AND SEWER RATE STRUCTURE

(1)	RESIDENTIAL RATES	WATER	SEWER
	<u>Inside Corporate Limits</u>		
	First 1,000 gallons - Minimum	\$12.00	\$12.00
	All over 1,000 gallons @ per thousand	\$2.59	\$4.80
	Outside Corporate Limits		
	First 1,000 gallons - Minimum	\$16.00	\$16.00
	All over 1,000 gallons @ per thousand	\$3.87	\$4.80
(2)	COMMERCIAL RATES		
	<u>Inside Corporate Limits</u>		
	First 1,000 gallons - Minimum	\$14.00	\$15.00
	All over 1,000 gallons @ per thousand	\$2.84	\$4.80
(3)	INDUSTRIAL RATES		
	<u>Inside Corporate Limits</u>		
	First 2,000 gallons - Minimum	\$7.98	\$8.93
	Next 13,000 gallons @ per thousand	\$3.03	
	All over 15,000 gallons @ per thousand	\$2.27	
	All over 2,000 gallons @ per thousand		\$4.80
	Pulaski Terrace (Code 60)		
	First 4,000 gallons - Minimum	\$11.50	\$12.50

	All over 4,000 gallons @ per thousand	\$ 2.59	\$4.80
<u>Pulask</u>	ti Terrace (Code 70)		
	First 4,000 gallons - Minimum	\$11.50	\$12.50
	All over 4,000 gallons @ per thousand	\$ 2.59	\$4.80
<u>Pulask</u>	ti Terrace (Code 80)		
	First 4,000 gallons - Minimum	\$11.50	\$12.50
	All over 4,000 gallons @ per thousand	\$ 2.59	\$4.80
<u>Hidde</u> ı	n Valley (Code 80)		
	First 4,000 gallons - Minimum	\$11.50	\$12.50
	All over 4,000 gallons @ per thousand	\$ 2.59	\$4.80
<u>Outsid</u>	<u>e Corporate Limits</u>		
	First 2,000 gallons - Minimum	\$7.93	\$8.93
	Next 13,000 gallons @ per thousand	\$3.03	
	All over 15,000 gallons @ per thousand	\$2.27	
	All over 2,000 gallons @ per thousand		\$4.80
<u>Utility</u>	Districts		
	First 100,000 gallons - Minimum	\$2.00	
	All over 100,000 gallons @ per thousand	\$2.00	
Sewer	Surcharge Rate		
(applie	s to certain commercial and industrial cust	omers)	
	First 2,000 gallons - Minimum	\$9.20	
	All over 2,000 gallons	\$4.40	
(4)	<u>Tapping fees</u> . (a) Tapping fees to the water	system in	side the ci
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city limits, based on the size of connection, are as follows:

3/	4 inch	\$1,000.00
1	inch	1,250.00
2	inch	1,500.00
3	inch to 6 inch (does not include meter)	1,750.00
8	inch (does not include meter)	1,950.00

(b) Tapping fees to water system outside the corporate limits are as follows:

3/4	inch	\$1,200.00
1	inch	1,450.00
2	inch	1,700.00
3	inch to 6 inch (does not include meter)	1,950.00
8	inch (does not include meter)	2,200.00

(5) <u>Sprinkler system fees</u>. All sprinkler system fees will have a minimum charge of \$30.00 per year, plus 5 cts per sprinkler head.

The general government shall be charged a flat fee of \$40.00 per year per fire hydrant, both within and without the corporate limits of the City of Pulaski, said fee to be payable in equal monthly payments by the city recorder to the water department.

- (6) The Giles County Soccer Association and the Giles County Little League in so far as their use of water is restricted to sprinkler systems for the grounds of their athletic fields and complexes shall pay the following rates for such water usage:
 - (a) \$10.00 for the first 250,000 gallons; and
 - (b) \$1.70 per thousand gallons thereafter.
- (7) The Giles County High School and Martin College in so far as their use ofwater is restricted to sprinkler systems for the grounds of their athletic fields and complexes shall pay the following rates for such water usage: \$1.70 per thousand gallons. (1977 Code, § 13-112, as amended by Ord. #7, 1996, Aug. 1996; Ord. #6, 1998, July 1998; Ord. #1, 2000, June 2000; Ord. #9, 2000, Oct. 2000; Ord. #3, 2002, March 2002; Ord. #10, 2002, Dec. 2002, Ord. #1, May 2007, Ord. #18,2007, Nov. 2007, and Ord. #6,2017, May 2017)
- 18-113. <u>Multiple services through a single meter</u>. (1) No customer shall supply water service to more than one dwelling or premises from a single service line and meter without having first obtained the written permission of the municipality. Every single service unit within the corporate limits of the City of Pulaski, or to which the city delivers water outside the corporate limits, shall have a meter and shall be responsible for the water tap fees in accordance with the schedule of rates and charges as provided in this chapter as the same may, from time to time, be amended.
- (2) No water tap may be made on any premises not connected to the sewer lines of the City of Pulaski, where the same can be made available.
- (3) Where the municipality deems it feasible and proper, it may allow 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. The water charge for each such dwelling or premise thus served, shall be computed just as if each dwelling or premise had received through a separately metered service, the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule including the provisions as to minimum bills. The separate charges for each dwelling or premises serviced 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.

- (4) In addition to those who make special applications to the board, in accordance with the foregoing subsection, all publicly financed housing developments such as those that come under the jurisdiction of the Pulaski Housing Authority, including public housing, leased housing, and turn-key housing, shall be governed by the foregoing subsection.
- (5) All trailer parks or housing units that are already in existence at the time of the passage of this section, shall have ninety (90) days from the effective date hereof (September 21, 1971) within which to come into compliance upon payment in accordance with the appropriate schedules.
- (6) It is the legislative intent of the mayor and aldermen, in the adoption of this section, to require that every dwelling unit, whether duplex or multiple, and every business house where two or more businesses are carried on be put on a single meter, except as hereinabove set out. (1977 Code, § 13-113)
- **18-114.** <u>Billing</u>. Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available.

Notwithstanding any other provision of law to the contrary, if water usage is inaccurately recorded or registered and such inaccuracy results in the customer being undercharged or overcharged, the city shall be authorized to collect or assess a charge for the unpaid water usage or to reimburse the customer for overpayment of such usage, for a period not to exceed the prior

twenty-four (24) months from the date the error is discovered or billed. (1977 Code, § 13-114, as amended by Ord. #1, 2013, Jan. 2013)

- **18-115.** <u>Discontinuance or refusal of service</u>. The city manager shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:
 - (1) These rules and regulations.
 - (2) The customer's application for service.
 - (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1977 Code, § 13-115)

- **18-116.** <u>Re-connection charge</u>. Whenever service has been discontinued as provided for above, a re-connection charge of one dollar (\$1.00) shall be collected by the municipality before service is restored. (1977 Code, § 13-116)
- 18-117. <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 municipality reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

- (1) Written notice of the customer's desire for such service to be discontinued may be required; and the municipality shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.
- (2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract

for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1977 Code, § 13-117)

- 18-118. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1977 Code, § 13-118)
- 18-119. <u>Inspections</u>. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1977 Code, § 13-119)

- 18-120. <u>Customer's responsibility for system's property</u>. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to care for it properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1977 Code, 13-120)
- 18-121. <u>Customer's responsibility for violations</u>. Where the municipality furnishes water 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. (1977 Code, § 13-121)
- **18-122.** <u>Supply and resale of water</u>. All water shall be supplied within the municipality exclusively by the municipality and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or

any part thereof except with written permission from the municipality. (1977 Code, § 13-122)

- 18-123. <u>Unauthorized use of or interference with water supply</u>. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality, nor shall he attach to any municipal water supply pipe without permission. It is declared to be a violation of the criminal code of the City of Pulaski to do any of the above mentioned acts finable by the city judge in the sum not exceeding fifty dollars (\$50.00). (1977 Code, § 13-123)
- 18-124. <u>Limited use of unmetered private fire line</u>. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence. (1977 Code, § 13-124)

- 18-125. <u>Damages to property due to water pressure</u>. The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (1977 Code, § 13-125)
- 18-126. <u>Liability for cutoff failures</u>. The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:
- (1) After receipt of at least ten (10) days' written notice to cut off water service, the municipality has failed to cut off such service.
- (2) The municipality has attempted to cut off a service but such service has not been completely cut off.
- (3) The municipality has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the municipality's main.

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1977 Code, § 13-126)

- 18-127. <u>Restricted use of water</u>. In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1977 Code, § 13-127)
- **18-128.** <u>Interruption of service</u>. The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1977 Code, § 13-128)

18-129. Limit on service outside corporate limits. No line for delivery or-water to customers beyond the corporate limits of the City of Pulaski, Tennessee, except for industrial usage in the industrial park. (1977 Code, § 13-130)

Plumbing code: title 12, chapter 2.

¹Municipal code reference

CHAPTER 2

SEWERS^{1, 2}

SECTION

- 18-201. General provisions.
- 18-202. General sewer use requirements.
- 18-203. Pretreatment of wastewater.
- 18-204. Fees.
- 18-205. Individual wastewater discharge permits and general permits.
- 18-206. Individual wastewater discharge and general permit issuance.
- 18-207. Reporting requirements.
- 18-208. Compliance monitoring.
- 18-209. Confidential information.
- 18-210. Publication of users in significant noncompliance.
- 18-211. Administrative enforcement remedies.
- 18-212. Judicial enforcement remedies.
- 18-213. Affirmative defenses to discharge violations.
- 18-214. Miscellaneous provisions.
- 18-215. [Deleted].
- 18-216. [Deleted].

18-201. <u>General provisions</u>. (1) <u>Purpose and policy</u>. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Pulaski, Tennessee, hereinafter referred to as "the city" or control authority. The control authority is the City of Pulaski and enables the city to comply with all applicable state laws and regulations and federal laws required by the Federal Water Pollution Control Act of 1972 and its subsequent amendment, and the general pretreatment regulations (40 C.F.R. part 403).

The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the POTW system in amounts which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

Plumbing code: title 12, chapter 2.

¹Municipal code reference

²Appendices A, B, and C are located at the end of the chapter.

- (c) To protect both the POTW system personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To improve the opportunity to recycle and reclaim wastewaters and sludge from the POTW system;
- (e) To provide fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW system; and
- (f) To enable the City of Pulaski Wastewater Treatment Plant to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW system is subject.

This chapter provides for the regulation of contributors to the POTW system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees and charges for the equitable distribution of costs relating to the administration, operation, maintenance, amortization of debt and depreciation of the POTW.

This chapter shall apply to the City of Pulaski and to persons outside the city who are, by contract or agreement with the control authority, users of the City of Pulaski's POTW. Except as otherwise provided herein, the mayor or his representative shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the mayor may be delegated by the mayor to a duly authorized representative of the city.

- (2) <u>Definitions</u>. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meaning hereinafter designated:
 - (a) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251, et seq.
 - (b) "Approval authority." The Tennessee Division of Water Pollution Control Director or the director's representative.
 - (c) "Authorized or duly authorized representative of the user."
 - (i) If the user is a corporation:
 - (A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - (B) The manager of one (1) 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 ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (iii) If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (iv) The individuals described in subsections (i) through (iii) 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 city.
- (d) "Biochemical Oxygen Demand (BOD₅)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees (20°) centigrade expressed in terms of weight (lbs) and/or concentration (mg/l).
- (e) "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-202(3)(a) and (b) [Tennessee Rule 1200-4-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.
- (f) "Building drain." The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet (5') outside the inner face of the building wall.
- (g) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.
- (h) "Categorical pretreatment standard" or "categorical standard." Any regulation containing pollutant discharge limits

promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 C.F.R. chapter I, subchapter N, parts 405-471.

- (i) "Categorical industrial user." An industrial user subject to a categorical pretreatment standard or categorical standard.
- (j) "Chemical Oxygen Demand (COD)." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (k) "Chronic violation." 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 the same pollutant parameter during a six (6) month period on a rolling quarterly basis exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
 - (l) "City." City of Pulaski.
- (m) "Combined sewer." A sewer receiving both sewage and surface runoff from down spouts, storm sewers and surface or groundwater.
- (n) "Control authority." The Board of Mayor and Aldermen of the City of Pulaski, Tennessee or a duly authorized representative of the City of Pulaski.
- (o) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (p) "Conventional pollutants." Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), fecal coliform bacteria, oil and grease, flow, and pH (40 C.F.R. 401.16).
- (q) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.
- (r) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (s) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
- (t) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only and/or restroom wastes from commercial, institutional and industrial users.

- (u) "Environmental Protection Agency (EPA)." The U.S. Environmental Protection Agency, or where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.
- (v) "Existing source." Any source of discharge that is not a "new source."
- (w) "Grab sample." A sample that is collected from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (x) "Grease interceptor." An interceptor whose rated flow exceeds fifty (50) gpm and is located outside the building.
- (y) "Grease trap." An interceptor whose rated flow is fifty (50) gpm or less and is typically located inside the building.
- (z) "Holding (septic) tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (aa) "Indirect discharge" or "discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b), (c), or (d) of the Act, into the POTW (including holding tank waste discharged into the system).
- (bb) "Industrial User (IU)" or "user." A source of non-domestic waste. Any non-domestic source discharging pollutants to the POTW.
- (cc) "Individual wastewater discharge permit" or "general permit." As set forth in § 18-205 of this chapter.
- (dd) "Instantaneous maximum limit." The maximum allowable concentration of a pollutant 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.
- (ee) "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.
- (ff) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.
- (gg) "Local limit." Specific discharge limits developed and enforced by the control authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).
- (hh) "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts,

contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

- (ii) "Monthly average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (jj) "Monthly average limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (kk) "National Pollutant Discharge Elimination System" or "NPDES permit." A permit issued to a POTW pursuant to section 402 of the Act.
- (ll) "National pretreatment standard" or "pretreatment standard" or "standard." Any regulation containing pollutant discharge limitations promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act which applies to industrial users. This term includes prohibitive discharge limitations established to 1200-4-14-.05.
- (mm) "National prohibitive discharges." Prohibitions applicable to all non-domestic dischargers regarding the introduction of pollutants into POTWs set forth in 40 C.F.R. 403.5.
 - (nn) "New source."
 - (i) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed national pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (A) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (C) The production 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 integrated with the existing plant and the extent as to which the new facility is engaged in the same general type of activity as the existing source should be considered.
 - (ii) Construction on the site at which an existing source is located results in a modification rather than a new source if the

construction does not create a new building, structure, facility or installation meeting the criteria of the aforementioned but otherwise alters, replaces, or adds to existing process or production equipment.

- (iii) Construction of a new source as defined under this subsection has commenced if the owner or operator has:
 - (A) Begun, or caused to begin as part of a continuous on-site construction program:
 - (1) Any placement, assembly or installation of facilities or equipment; or
 - (2) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - (B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.
- (oo) "Noncontact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (pp) "North American Industry Classification System (NAICS)." A classification pursuant to the <u>North American Industrial Classification Manual</u> issued by the Executive Office of the President, Office of Management and Budget, 2007.
- (qq) "Pass through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement or the city's NPDES permit, including an increase in the magnitude or duration of a violation.
- (rr) "Person." Any and all persons, including individuals, partnerships, copartnerships, firms, companies, public or private corporations or officers thereof, associations, joint stock companies, trusts, estates, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities organized or existing under the laws of this or any state or country. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

- (ss) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution which is the measurement of acidity or alkalinity of a solution.
- (tt) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).
- (uu) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (vv) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by Tennessee Rule 1200-4-14-.06(4). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Tennessee Rule 1200-4-14-.06(5).
- (ww) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on a user, including but not limited to discharge, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.
- (xx) "Pretreatment standards" or "standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (yy) "Process wastewater." Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- (zz) "Process wastewater pollutants." Pollutants present in process wastewater.
- (aaa) "Prohibited discharge standards" or "prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 18-202 of this chapter.

- (bbb) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City of Pulaski, Tennessee. This definition includes any devices or systems used in collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the control authority, users of the POTW.
- (ccc) "POTW treatment plant," "wastewater treatment plant," or "treatment plant." That portion of the POTW designed to provide treatment to wastewater.
- (ddd) "Sanitary sewer." A sewer pipeline that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground-storm, and surface waters that are not admitted intentionally.
 - (eee) "Shall" is mandatory; "may" is permissive.
- (fff) "Significant Industrial User (SIU)." Except as provided in subsections (iii) and (iv) of this section, a significant industrial user is:
 - (i) All industrial users subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and
 - (ii) Any other industrial user that:
 - (A) Discharges an average of twenty-five thousand (25,000) gallons more per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;
 - (B) 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
 - (C) Is designated as such by the control authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with Tennessee Code Annotated, § 1200-4-14-.08(6)(f).
 - (iii) The control authority may determine that an industrial user subject to categorical pretreatment standards under Tennessee Rule 1200-4-14-.06 and 40 C.F.R. chapter I, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred gallons per day (100 gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless

specifically included in the pretreatment standard) and the following conditions are met:

- (A) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
- (B) The industrial user annually submits the certification statement(s) required in section § 18-207(14) [Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and
- (C) The industrial user never discharges any untreated concentrated wastewater.
- (iv) Upon finding that a user meeting the criteria in subsection (ii) of this section has no reasonable potential for adversely affecting the POTW's operation of for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such user is not a significant industrial user.
- (ggg) "Significant Noncompliance (SNC)." Any violation of pretreatment requirements which meet one (1) or more of the following criteria:
 - (i) Violations of wastewater discharge limits:
 - (A) Chronic violations;
 - (B) Technical Review Criteria (TRC) violations;
 - (C) Any other violation(s) of an industrial wastewater discharge permit or general permit effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass through; or endangered the health of the POTW personnel or the public; or
 - (D) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
 - (ii) Violations of compliance schedule milestones, contained in an enforcement order by ninety (90) days or more after the schedule date. Milestones may include but not be limited to dates for starting construction, completing construction and attaining final compliance.
 - (iii) Failure to provide reports for compliance schedules, self-monitoring data or categorical standards (baseline monitoring

reports, ninety (90) day compliance reports and periodic reports) within thirty (30) days from the due date.

- (iv) Failure to accurately report noncompliance.
- (v) Violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.
- (hhh) ""Significant violation." A violation which remains uncorrected forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under C.F.R. 403.8(f)(2)(vi)(B) and 403.8(f)(2)(vii).
- (iii) "Slug control plan." A plan to control slug discharges, which shall include, as a minimum:
 - (i) Description of discharge practices, including non-routine batch discharges;
 - (ii) Description of stored chemicals;
 - (iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a discharge prohibition under this chapter, or 40 C.F.R. 403.5(b), with procedures for follow-up written notification within five (5) days;
 - (iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.
- (jjj) "Slug load" or "slug discharge." Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 18-202 of this chapter. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.
- (kkk) "Source." Any activity, operation, construction, building, structure, facility, or installation (permanent or temporary) from which there is or may be the discharge or pollutants.
 - (lll) "State." State of Tennessee.

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

(nnn) "Surcharge." A fee charged to industrial users in excess of the normal sewer user charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW treatment plant was designed to treat.

- (000) "Technical Review Criteria (TRC) violation." Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the wastewater samples taken for each pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-201(2), multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other parameters except pH).
- (ppp) "Total suspended solids" or "suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (qqq) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of section 307(a) of the Act (40 C.F.R. 403 Appendix B).
- (rrr) "Upset." An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (sss) "User" or "industrial user." Any person(s), who contributes, causes or permits the contribution of wastewater into the city's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.
- (ttt) "Wastewater." The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (uuu) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state of any portion thereof.
- (3) <u>Abbreviations</u>. The following abbreviations shall have the designated meanings:

BOD_5	Biochemical Oxygen Demand five (5) day
$\mathrm{BMP}^{}$	Best Management Practice
BMR	Baseline Monitoring Report
C.F.R	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oil and Grease
gpd	Gallons per day
IU	Industrial User
1	Liter
lb	Pounds
mg	Milligrams
mg/l	Milligrams per liter
NAICS	North American Industry Classification System
NH_3 -N	Ammonia nitrogen
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	Total Suspended Solids
U.S.C.	<u>United States Code</u> .

(1977 Code, § 13-201, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)

18-202. General sewer use requirements. (1) Use of public sewers. 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 City of Pulaski, or in any area under the jurisdiction of the control authority, any human or animal excrement, garbage or other objectionable waste.

It shall be unlawful to discharge any wastewater to any waters of the state within the city or in any area under the jurisdiction of the city.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the City of Pulaski.

The owners of all houses, building or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Pulaski, and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the POTW, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer by means of a

building sewer in accordance with the provisions of this chapter within sixty (60) days after official notice to do so. Such connection shall be made at the place and in the manner as directed by the control authority or his representative.

Where a POTW sanitary sewer is not available up to or even with the property line, the building sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of this chapter and the Tennessee Department of Environment and Conservation, and amended rules, regulations to govern subsurface sewage disposal systems.

The owner of any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation necessary to obtain a grade of at least one percent (1%) in the building sewer, but is otherwise accessible to a public sewer as provided in this subsection shall provide a private sewage pumping station (grinder pump) to convey wastewater into the POTW sanitary sewer.

(2) <u>Building sewer and connections</u>. (a) General. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW sanitary sewer or appurtenance thereof without first obtaining a written permit from the control authority.

All cost and expense incidental to the installation and connection of the building sewer to the POTW sanitary sewer shall be borne by the user. The user shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate and independent building sewer shall be provided for every building; except that where one (1) building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the control authority or his representative, meeting all requirements of this chapter. All others must be sealed to the specifications of the control authority.

- (b) Building sewer construction. Building sewers shall conform to the following requirements:
 - (i) The minimum size of a building sewer shall be six inches (6") for commercial and four inches (4") for residential.
 - (ii) The minimum depth of a building sewer shall be eighteen inches (18").
 - (iii) Six inch (6") building sewers shall be laid on a grade of at least one percent (1%). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

- (iv) Slope and alignment of all building sewers shall maintain constant horizontal alignment and vertical grade, except at bends.
 - (v) Building sewers shall be constructed only of:
 - (A) Cast iron soil pipe or ductile iron pipe with compression joints; or
 - (B) Polyvinyl chloride pipe with rubber compression joints.

Under no circumstances will cement mortar joints be acceptable.

- (vi) Cleanouts shall be located on building sewers as follows: one (1) located no closer than eighteen inches (18") to the building and no more than five feet (5') outside the building, one (1) at the tap onto the POTW sanitary sewer if the main is on the user side of the street; if the main is on the opposite side of street the cleanout shall be placed on the right-of-way of the user's property and one (1) 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. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") on a six inch (6") pipe.
- (vii) Connections of building sewers to POTW sanitary sewer shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the control authority and/or his representative. All such connections shall be made gastight and watertight.
- (viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW sanitary sewer is at a grade of at least one percent (1%) or more, if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building

drain is too low to permit gravity flow to the POTW sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner/user.

- (ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the control authority or his representative before installation.
- (x) Any installed building sewer shall be gastight and watertight.
- (xi) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the control authority.
- (xii) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a POTW sanitary sewer.
- (c) Inspection of connections. (i) The connection to the POTW sanitary sewer and all building sewers from the building to the POTW sanitary sewer shall be inspected by the control authority and/or his representative before the underground portion is covered.
- (ii) The applicant for discharge shall notify the control authority when the building sewer is ready for inspection and connection to the POTW sanitary sewer. The connection shall be made under the supervision of the control authority or his representative before acceptance.
- (d) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on private property to insure that the building sewer is watertight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet specifications of the city. If, upon smoke testing or visual inspection by the control authority or his representative, roof downspout connections, exterior foundation drains, or other sources of rainwater, surface runoff or groundwater entry

into the POTW sewer system are identified on building sewers on private property, the control authority may take any of the following actions.

- (i) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter must be complete within sixty (60) days from the date of the written notice and entirely at the expense of the user.
- (ii) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and inform the user that the city will provide all labor, equipment and materials necessary to make the repairs required to bring the building sewer within the requirements of this chapter. The work on private property will be performed at the city's convenience and the cost of all materials, labor and equipment used will be charged to the user. The city will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the user shall be responsible for final landscaping, including but not limited to seeding, fertilizing, watering, mulching, sodding and replacing any shrubbery or trees displaced or damaged by the city during the execution of the work.
- (3) Prohibited discharge standards. (a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not the user is subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
- (b) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
 - (i) Any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At not time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the POTW system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter or have a closed-cup flashpoint of less than one hundred forty degrees (140°) F (sixty degrees (60°) C) using the test methods specified in 40 C.F.R. 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates,

carbides, hydrides, sulfides and any other substance which the city, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

- (ii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease garbage with particles greater than one-half inch (1/2") or one and twenty-seven hundredths (1.27) centimeters in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, and feathers from slaughterhouses, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing waxes.
- (iii) Any wastewater having a pH less than 5.0 or greater than 10.0.
- (iv) Any wastewater containing pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (v) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life (acute worker health and safety problems) or are sufficient to prevent entry into the sewers for maintenance and repair.
- (vi) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (vii) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
- (viii) Any wastewater with objectionable color which causes discoloration of the POTW treatment plant effluent to the extent

that the NPDES permit is violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

- (ix) Any wastewater heat in amounts which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds forty degrees (40°) C (one hundred four degrees (104°) F).
- (x) Any pollutants, including oxygen demanding pollutants, such as BOD_5 , NH_3 -N, and oil and grease, released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference to the POTW. In no case shall a discharge to the POTW have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (xi) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations.
- (xii) Any wastewater which causes a hazard to human life or creates a public nuisance, including, but not limited to, bandages, syringes or needles.
- (xiii) Any wastewater containing fats, wax, grease, petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between zero degrees (0°) C (thirty-two degrees (32°) F) and forty degrees (40°) C (one hundred four (104°) F) and/or cause interference or pass through at the POTW.
- (xiv) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters. Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the control authority and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the control authority and the Tennessee Department of Environment and Conservation to a storm sewer or natural outlet.
- (xv) Any trucked or hauled pollutants except at discharge points designated by the POTW in accordance with § 18-203(4) of this chapter.
- (xvi) Fats, oils, and grease, waste food, and sand. Refer to § 18-202(4) for guidelines.

When the control authority determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall:

- (i) Advise the user of the impact of the contribution on the POTW; and
- (ii) Develop effluent limitation(s) for such user to correct the interference with the POTW.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

- (4) <u>Fats, oils, and grease, waste food, and sand guidelines</u>. Fats, oil, grease, waste food, and sand in the POTW can interfere with the collection system and wastewater treatment facility by causing blockages and plugging of pipelines, problems with normal operation of pumps and their controls, and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant.
 - (a) Interceptors. Fats, Oil, and Grease (FOG), waste food, and sand interceptors shall be installed when, in the opinion of the control authority, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the POTW. Such interceptors shall not be required of single-family residences, but may be required for multiple-family residences. All interceptors shall be of a type and capacity approved by the control authority, and shall be located as to be readily and easily accessible for cleaning and inspection.
 - (i) Fats, oil, grease, and food waste.
 - (A) New food service facility. On or after the effective date of this chapter, food service facilities which are newly proposed or constructed shall be required to install, operate and maintain a grease interceptor with a minimum capacity of seven hundred fifty (750) gallons located on the exterior of the building. Approval of the installation of a grease trap instead of a grease interceptor at a new food service facility can be obtained for those facilities where inadequate space is available for the installation of a grease interceptor. Design criteria shall conform to the standard in accordance with any provisions of the plumbing code as adopted by the City of Pulaski and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines.
 - (B) Existing food service facilities. On or after the effective date of this chapter, existing food service facilities

or food service facilities which will be expanded or renovated shall install a grease trap or grease interceptor when, in the opinion of the control authority, necessary for the control of FOG and food waste. Upon notification, the facility must be in compliance within ninety (90) days (unless due case of hardship may be proven). The facility must service and maintain the equipment in order to prevent adverse impact upon the POTW. If in the opinion of the control authority the user continues to impact the POTW, additional pretreatment measures may be required.

- (ii) Sand, soil, and oil. All car washes, truck washes, garages, service stations, and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors when directed by the control authority. These interceptors shall be sized to effectively remove sand, soil, and oil at the proper flow rates. These interceptors shall be cleaned on a regular basis to prevent impact upon the POTW. Owners whose interceptors are deemed to be ineffective by the control authority may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities shall prevent the inflow of rainwater into the sanitary sewer.
- (iii) Laundries. Where directed by the control authority commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the POTW of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the POTW.

The equipment or facilities installed to control FOG, food waste, sand, and soil shall be designed in accordance with plumbing code and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance and inspection. 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 POTW. If the control authority is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the control authority. Nothing in this section shall be construed to prohibit or restrict any other remedy the control authority has under this chapter or state or federal law.

The control authority retains the right to inspect and approve installation of the control equipment.

There shall be no charge for random inspections conducted by the control authority personnel on traps or interceptors. If a trap or interceptor has to be re-inspected because of deficiencies found during the previous inspection by the control authority personnel, and all of the deficiencies have been corrected, there shall be no charge for the reinspection. If all of the deficiencies have not been corrected, a first re-inspection fee of fifty dollars (\$50.00) shall be charged to the facility. If a second re-inspection is required, a second re-inspection fee of one hundred fifty dollars (\$150.00) shall be charged to the facility if all of the deficiencies have still not been corrected. If three (3) or more re-inspections are required, a re-inspection fee of three hundred dollars (\$300.00) for each successive re-inspection shall be charged to the facility in addition to other enforcement actions if all of the deficiencies have not been corrected.

- (b) Solvents. The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited.
- (5) <u>National categorical pretreatment standards</u>. Users must comply with the categorical pretreatment standards for new and existing sources set out in 40 C.F.R. chapter I, subchapter N, parts 405-471 and shall serve as the minimum requirements.
 - (a) Where a categorical pretreatment standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the control authority may impose equivalent concentration or mass limits in accordance with § 18-202(5)(e) and (f) as allowed at 40 C.F.R. 403.6(c).
 - (b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to the individual industrial users as allowed at 40 C.F.R. 403.6(c)(2).
 - (c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the control authority shall impose an alternate limit in accordance with Tennessee Rule 1200-4-14-.06(5).
 - (d) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following subsections of this section as allowed at 40 C.F.R. 403.15.
 - (i) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the

city. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e. adjusted to reflect credit for pollutants in the intake water) if the requirements of subsection (ii) of this section are met.

- (ii) Criteria. (A) Either:
 - (1) The applicable categorical pretreatment standards contained in 40 C.F.R., chapter I, subchapter N specifically provide that they shall be applied on a net basis; or
 - (2) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in absence of pollutants in the intake waters.
- (B) Credit for generic pollutants such as Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), and oil and grease shall not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- (C) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring (at the person's, applying for credit, expense) may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.
- (D) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The control authority may waive this requirement if it finds that no environmental degradation will result.
- (e) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the control authority. The city may establish equivalent mass limits only if the industrial user meets all the conditions set forth in § 18-202(5)(e)(i)(A) through (E) below.

- (i) To be eligible for equivalent mass limits, the industrial user must:
 - (A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit or general permit;
 - (B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment:
 - (C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (D) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - (E) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.
- (ii) An industrial user subject to equivalent mass limits must:
 - (A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (B) Continue to record the facility's flow rates through the use of a continuous flow monitoring device;
 - (C) Continue to record the facility's production rates and notify the control authority whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in § 18-202(5)(e)(i)(C). Upon notification of a revised production rate, the control authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to § 18-202(5)(e)(i)(A) as long as it discharges under an equivalent mass limit.

- (iii) When developing equivalent mass limits, the control authority:
 - (A) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
 - (B) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - (C) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit or general permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to § 18-202(10). The industrial user must also be in compliance with § 18-213(3) regarding the prohibition of bypass.
- (f) The control authority may convert the mass limits of the categorical pretreatment standards of 40 C.F.R. parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the control authority. When converting such limits, the control authority will use the concentrations listed in the applicable subparts of 40 C.F.R. parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited in § 18-202(10) of this chapter (see 40 C.F.R. 403.6(d)). In addition, the control authority will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 C.F.R. 403.6(c)(7)).
- (g) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this subsection (5) in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (h) Many categorical pretreatment standards specify one (1) limit for calculating maximum daily discharge limitations and a second for calculating monthly average, or four (4) day average, limitations. Where such standards are being applied, the same production or flow

figure shall be used in calculating both the average and the maximum equivalent limitation.

- (i) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the control authority within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.
- (6) <u>Modification of national pretreatment standards</u>. If the POTW system achieves consistent removal of pollutants limited by the national pretreatment standards, the city may apply to the approval authority for modifications of specific limits in the national pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in 40 C.F.R. section 403.7(a)(3)(ii), part 403 General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the national pretreatment standards if the requirements continued in 40 C.F.R., part 403, section 403.7, are fulfilled and approval is obtained from the approval authority.
- (7) <u>State pretreatment standards</u>. Users must comply with Tennessee pretreatment standards codified at <u>Tennessee Code Annotated</u>, §§ 69-3-101, et. seq and 4-5-201, et. seq.
 - (8) <u>Local limits</u>. (a) The control authority is authorized to establish local limits pursuant to Tennessee Rule 1200-4-14-.05(3).
 - (b) Specific pollutant limitations. Pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the limits for each pollutant. Refer to Appendix A¹ (latest revision), Table A1: Specific Pollutant Limitations for a list of the specific pollutants and respective concentrations.
 - (c) Criteria to protect the POTW treatment plant influent. The control authority and/or his designated representative shall monitor the POTW treatment plant influent for each parameter in Table A2: Criteria to Protect the POTW Treatment Plant Influent contained in Appendix A (latest revision). Analyses for all pollutants listed at Table A2 shall be conducted in accordance with the requirements of 40 C.F.R. part 136 or

¹Appendix A is located at the end of this chapter.

equivalent methods approved by the United States Environmental Protection Agency. All users shall be subject to the reporting and monitoring requirements set forth in § 18-207, reporting requirements, and § 18-208, compliance monitoring, as to these parameters. In the event that the influent at the POTW treatment plant reaches or exceeds the levels established by said table, the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the board of mayor and aldermen such remedial measures as are necessary, including, but not limited to recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

- Conventional pollutants. (i) BOD₅, TSS and NH₃-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), and ammonia nitrogen (NH3-N). If a user discharges concentrations of these pollutants in excess of the criteria to protect the POTW treatment plant influent listing in Table A2 at Appendix A (latest revision) of this chapter, added operation and maintenance costs will be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in Table A2 at Appendix A (latest revision) of this chapter for any of the conventional pollutants such as BOD₅, TSS, and/or NH₃-N will be subject to a surcharge. The formula for this surcharge is listed in § 18-204(3) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for BOD₅, TSS and/or NH₃-N on the user if the user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.
- (ii) Oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants.

If a user discharges concentrations of total oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in Appendix A of this chapter for total oil and grease, added operation and maintenance cost will be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in Appendix A for total oil and grease will be subject to a surcharge.

The formula for this surcharge is listed in § 18-204(3) of this chapter. The city reserves the right to, at any time, place specific mass or concentration limits for total oil and grease on the user if the user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

- (e) The control authority and/or his designated representative may develop Best Management Practices (BMPs), in individual wastewater discharge permits or general permits, to implement local limits and the requirements of § 18-202(3).
- (9) The city's right of revision. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits or general permits, more stringent standards or requirements on users of the POTW system if deemed necessary to comply with the objectives presented in this chapter.
- (10) <u>Dilution</u>. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The control authority and/or his designated representative may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.
 - (11) Accidental discharges. (a) Protection from accidental discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. No industrial user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the control authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this chapter.
 - (b) Notification of accidental discharge. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall be within twenty-four (24) hours of becoming aware of the violation and shall include location of discharge, type of waste, concentration and volume, and corrective actions. The industrial user shall repeat the sample within five (5) days, perform an analysis, and

report the results of the sample analysis to the control authority within thirty (30) days of becoming aware of the violation [(40 C.F.R. 403.12)(g)].

- (i) Written notice. Within five (5) days following an accidental discharge, the industrial user shall submit to the control authority a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any penalties, civil penalties, or other liability which may be imposed by this chapter or other applicable law.
- (ii) Notice to employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial users shall insure that all employees who may cause such a dangerous discharge to occur or may suffer such are advised of the emergency notification procedure. (1977 Code, § 13-202, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)
- 18-203. Pretreatment of wastewater. (1) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 18-202 of this chapter within the time limitations specified by EPA, the state, or the control authority and/or his designated representative, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.
 - (2) Additional pretreatment measures. (a) Whenever deemed necessary, the control authority and/or his designated representative may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

- (b) The control authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or general permit may be solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the control authority and/or his designated representative, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the control authority and/or his designated representative, shall comply with § 18-202(4) of this chapter, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with § 18-202(4) by the user at their expense.
- (d) Users with potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (3) Accidental discharge/slug discharge control plans. The control authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The control authority may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the control authority may develop such a plan for any user at the user's expense. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
 - (a) Description of discharge practices, including non-routine batch discharges;
 - (b) Description of stored chemicals (which shall include cleaning supplies);
 - (c) Procedures for immediately notifying the control authority of any accidental or slug discharge, as required by § 18-207(6) of this chapter; and
 - (d) Procedures to prevent adverse impact from any incidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants, including solvents, and/or measures and equipment for emergency response.
 - (4) <u>Hauled wastewater</u>. (a) Septic tank waste may be introduced into the POTW only at locations designated by the control authority, and as such times as established by the control authority and/or his designated representative. Such waste shall not violate § 18-202 of this chapter or

any other requirements established by the control authority. The control authority may require septic tank haulers to obtain individual wastewater discharge permits or general permits.

- (b) The control authority may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The control authority may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The control authority may also prohibit disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.
- (c) Industrial waste haulers may discharge loads only at locations designated by the control authority and/or his designated representative. No load may be discharged without prior consent of the control authority and/or his designated representative. The control authority and/or his designated representative may collect samples of each hauled load to ensure compliance with applicable standards. The control authority and/or his designated representative may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (1977 Code, § 13-203, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)
- **18-204.** <u>Fees.</u> (1) <u>Purpose.</u> It is the purpose of this section to provide for the recovery of costs from users of the city's wastewater disposal system for the administration, operation, maintenance, amortization of debt, and depreciation of the POTW. The applicable charges or fees are set forth by the city's schedule of charges and fees.
- (2) <u>Charges and fees</u>. The city may adopt charges and fees which may include:
 - (a) Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;
 - (b) Fees for monitoring, inspections and surveillance procedures associated with users:
 - (c) Fees for reviewing accidental/slug discharge procedures/control plans and construction plans and specifications for industrial users:
 - (d) Fees for permit applications;
 - (e) Fees for FOG plan submittals;

- (f) Fees for inspection of building sewer connections;
- (g) Fees for cleaning/removing stoppages from FOG, sand, soil, oil, and laundry interceptors;
- (h) Fees for filing appeals of enforcement actions taken by the city;
- (i) Fees for treating conventional pollutants discharged to the POTW by users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;
- (j) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW;
- (k) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city. (As a matter of convenience the rate schedule is attached as Appendix B^1 which is subject to revision).

(3) Surcharge fees. If an industrial user discharges in excess of the criteria to protect the POTW treatment plant influent set out for the conventional pollutants BOD₅, TSS, and/or oil and grease in Table A2 of Appendix A (latest revision), additional operation and maintenance costs will be incurred by the City of Pulaski. Therefore, any user who discharges in excess of the limits for any of these parameters will be subject to a surcharge. Surcharges shall be in addition to normal user fees. The formula for this surcharge is listed below.

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Sewer Bill for Monthly Usage X Actual average parameter concentration(mg/L)

Monthly Average parameter Limitation(mg/L)

- Sewer Bill for Monthly Usage
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As an alternate formula, the City of Pulaski may calculate surcharge fees based on actual cost caused by the discharge of excessive strength conventional pollutants. The City of Pulaski also reserves the right to, at any time, place limits which may not be exceeded on the industrial user's discharge if the industrial user's discharge of the excessive strength wastewater causes the

¹Appendix B is located at the end of this chapter.

POTW treatment plant to violate its NPDES permit. Refer to Appendix C: Surcharge fees¹ (latest revision) for individual formulas.

- (4) <u>Annual review of operation and maintenance charges</u>. The control authority shall review not less often than every year the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The control authority shall revise the charges for users or user classes to accomplish the following:
 - (a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
 - (b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and
 - (c) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.
- (5) Notwithstanding any other provision of law to the contrary, if wastewater services including any fees relative to surcharges or connection costs or for the collection, removal and disposal of wastewater are inaccurately recorded or registered and such inaccuracy results in the customer being undercharged or overcharged, the city shall be authorized to collect or assess a charge for the unpaid wastewater services or to reimburse the customer for overpayment of such services, for a period not to exceed the prior twenty-four (24) months from the date the error is discovered or billed. (1977 Code, § 13-204, as replaced by Ord. #1, 2001, April 2001, and Ord. #1, 2012, Feb. 2012, and amended by Ord. #1, 2013, Jan. 2013)

18-205. <u>Individual wastewater discharge permits and general permits</u>. (1) <u>Wastewater analysis</u>. When requested by the control authority and/or his designated representative, a user must submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The control authority or his designated representative is authorized to prepare a form for this purpose and may periodically require users to update this information.

There shall be two (2) classes of building sewer permits:

- (a) For connection of residential, commercial and institutional users to the POTW; and
 - (b) For connection of industrial users to the POTW.

In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his agent shall make application on a special form furnished by the City of Pulaski. The permit application shall be

¹Appendix C is located at the end of this chapter.

supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority. A permit and inspection fee shall be paid to the City of Pulaski at the time the application is filed as set out in the City of Pulaski's schedule of charges and fees.

- (2) <u>Individual wastewater discharge and general permit requirement.</u>
- (a) No significant industrial user shall discharge wastewater to the POTW without first obtaining an individual wastewater discharge permit or general permit from the control authority, except that a significant industrial user that has filed a timely application pursuant to § 18-205(3) of this chapter may continue to discharge for the time period specified therein.
- (b) The control authority may require other users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this chapter.
- (c) Any violation of the terms and conditions of an individual wastewater discharge permit or general permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-211 through 18-213 of this chapter. Obtaining an individual wastewater discharge permit or general permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements with any other requirements of federal, state, and local law.
- (3) <u>Individual wastewater discharge and general permitting: existing connections</u>. Any user required to obtain an individual wastewater discharge permit or general permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the control authority for an individual wastewater discharge permit or general permit in accordance with § 18-205(5) of this chapter, and shall not cause or allow discharges to the POTW to continue after forty-five (45) days of the effective date of this chapter except in accordance with an individual wastewater discharge permit or general permit issued by the control authority.
- (4) <u>Individual wastewater discharge and general permitting; new connections</u>. Any user that is required to obtain an individual wastewater discharge permit or general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with § 18-205(5) of this chapter, must be filed ninety (90) days prior to the date upon which any discharge will begin or recommence.
 - (5) <u>Individual wastewater discharge and general permit application</u> <u>contents</u>. (a) General. All users that are required to obtain an individual wastewater discharge permit or general permit must submit a permit application. Users that are eligible may request a general permit under

§ 18-205(6). The control authority may require users to submit all or some of the following information as part of the permit application:

- (i) Identifying information.
- (A) The name, address, and location of the facility, including the name of the operator and owner.
- (B) Contact information, description of activities, facilities, and plant production processes on the premises.
- (ii) Environmental permits. A list of any environmental control permits held by or for the facility.
 - (iii) Description of operations.
 - (A) 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 (SIC or NAICS code) of the operation(s) carried out by such user. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
 - (B) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (C) Number of employees, shifts, contact per shift (if applicable), hours of operation, and proposed or actual hours of operation;
 - (D) Type and amount of raw materials processed (average and maximum per day);
 - (E) Each product produced by type, amount process or processes and rate of production;
 - (F) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 - (iv) Time and duration of discharges.
- (v) The location for monitoring all wastes covered by the permit.
- (vi) Flow measurement. Information showing the measured average daily, maximum daily flow, and thirty (30) minute peak flow in gallons per day, (including daily, monthly and seasonal variations, if any) to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in § 18-202(5)(c) (Tennessee Rule 1200-4-14-.06(5)).
 - (vii) Measurement of pollutants.

- (A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
- (B) Wastewater constituents and characteristics (nature and concentration and/or mass) in the discharge from each regulated process including but not limited to those mentioned in § 18-202 and Appendix A of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136, as amended.
- (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 § 18-207(10) of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.
- (E) Sampling must be performed in accordance with procedures set out in § 18-207(11) of this chapter.
- (F) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, state or national pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards.
- (viii) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 18-207(4)(b) [2300-4-14-.12(5)(b)].
- (ix) Statement of duly authorized representative(s). Wastewater constituents and characteristics including but not limited to those mentioned in § 18-202 of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136, as amended.

(x) Any other information as may be deemed necessary by the control authority to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

- (6) <u>Wastewater discharge permitting: general permits</u>. (a) At the discretion of the control authority, the control authority may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - (i) Involve the same or substantially similar types of operations;
 - (ii) Discharge the same types of wastes;
 - (iii) Require the same effluent limitations:
 - (iv) Require the same or similar monitoring; and
 - (v) In the opinion of the control authority, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- (b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with § 18-207(4)(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the control authority has provided written notice to the SIU that such a waiver request has been granted in accordance with § 18-207(4)(b).
- (c) The control authority will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in § 18-205(6)(a)(i)--(v) and applicable state regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general permit.
- (d) The control authority may not control a SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day of for IUs whose limits are based on the combined wastestream formula (§ 18-202(5)(c)) or net/gross calculations (§ 18-205(5)(d)).
- (7) <u>Application signatories and certifications</u>. (a) All wastewater discharge permit applications, user reports and certification statements must be signed by a duly authorized representative or the user and contain the certification statement in § 18-207(14)(a).
- (b) If the designation of a duly authorized representative is no longer accurate because a different individual or position has

- responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the control authority prior to or together with any reports to be signed by a duly authorized representative.
- (c) A facility determined to be a non-significant categorical industrial user by the control authority pursuant to § 18-201(2)(fff)(iii) must annually submit the signed certification statement in § 18-207(14)(b).
- (8) Individual wastewater discharge and general permit decisions. The control authority will evaluate the data furnished by the user and may require additional information. If sufficient data was not received to determine an industry's category, the control authority may submit a category determination request to the approval authority as set out in Tennessee Rule 1200-4-14-.06(1). After evaluation and acceptance of the data furnished, the control authority will determine whether to issue an individual wastewater discharge permit or a general permit. The control authority may deny any application for an individual wastewater discharge permit or a general permit. (1977 Code, § 13-205, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)
- 18-206. Individual wastewater discharge and general permit issuance. (1) Individual wastewater discharge and general permit duration. An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A permit may be issued for less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change unless this allows federal due dates to be violated. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Each individual wastewater discharge permit or general permit will indicate a specific date upon which it will expire.
- (2) <u>Individual wastewater discharge and general permit contents</u>. An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the control authority and/or his designated representative to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Individual wastewater discharge permits or general permits shall be expressly subject to all provisions of this chapter and

all other applicable regulation, charges and fees established by the City of Pulaski.

- (a) Individual wastewater discharge permits and general permits shall contain:
 - (i) Statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date;
 - (ii) Statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with § 18-206(4) of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (iii) Effluent limits, including best management practices, based on applicable pretreatment standards;
 - (iv) 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, frequency of sampling, and sample type based on federal, state, and local law;
 - (v) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge according to § 18-207(4)(b);
 - (vi) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by federal, state, or local law;
 - (vii) Requirements to control slug discharge, if determined by the control authority to be necessary;
 - (viii) Any grant of the monitoring waiver by the control authority (§ 18-207(4)(b)) must be included as a condition in the user's permit or other control mechanism;
 - (ix) Requirements for notification of the control authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
 - (x) Requirements for notification of excessive discharges such as described in § 18-202(10) of this chapter;
 - (xi) Requirement to immediately report any noncompliance to the control authority, and to immediately resample for parameter out of compliance in accordance with 40 C.F.R. 403.12(g).
- (b) Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:

- (i) Limits on average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization;
- (ii) Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices:
- (vii) A statement that compliance with the individual wastewater discharge permit or general permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit or general permit; and
- (viii) Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter, and state and federal laws, rules, and regulations.
- (3) <u>Permit modifications</u>. The control authority may modify an individual wastewater discharge permit or general permit for good cause, including, but not limited to, the following reasons:
 - (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit or general permit issuance;
 - (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
 - (e) Violation of any terms or conditions of the individual wastewater discharge permit or the general permit;

- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 1200-4-14-.13;
- (h) To correct typographical or other errors in the individual wastewater discharge permit or the general permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 18-206(4).
- (4) <u>Individual wastewater discharge and general permit transfer</u>. Individual wastewater discharge permits and general permits are issued to a specific user for a specific operation. An individual wastewater discharge permit or a general permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior notice and approval of the control authority, and provision of a copy of the existing control mechanism (individual wastewater discharge permit or general permit) to the new owner or operator. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The notice to the control authority must include a written certification by the new owner or operator which:
 - (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (b) Identifies the specific date on which the transfer is to occur;
 - (c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit; and
 - (d) Submits a duly authorized to sign.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or general permit void as of the date of facility transfer.

- (5) <u>Individual wastewater discharge and general permit revocation</u>. The control authority may revoke an individual wastewater discharge permit or general permit for good cause, including, but not limited to, the following reasons:
 - (a) Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge;
 - (b) Failure to provide prior notification to the control authority of changed conditions pursuant to § 18-207(5) of this chapter;
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (d) Falsifying self-monitoring reports and certification statements;
 - (e) Tampering with monitoring equipment;
 - (f) Refusing to allow the control authority timely access to the facility premises and records;

- (g) Failure to meet effluent limitations;
- (h) Failure to pay penalties;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the individual wastewater discharge permit or the general permit or this chapter.

Individual wastewater discharge permits and general permits shall be subject to void upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits and general permits issued to a user are void upon the issuance of a new individual wastewater discharge permit or general permit to that user.

- (6) Individual wastewater discharge and general permit reissuance. A user with an expiring individual discharge permit or general permit shall apply for permit reissuance by submitting a complete permit application in accordance with § 18-205(5) of this chapter a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge permit or general permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements as identified in § 18-202 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change unless this allows federal due dates to be violated. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - (7) Regulation of waste received from other jurisdiction. (a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the control authority shall enter into an intermunicipal agreement with the contributing municipality.
 - (b) Prior to entering into an agreement required by subsection (a), above, the control authority shall request the following information from the contributing municipality:
 - (i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (ii) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - (iii) Such other information deemed necessary by the control authority.
 - (c) An intermunicipal agreement, as required by subsection (a), above, shall contain the following conditions:

- (i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as the ordinance comprising this chapter and local limits, including Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in § 18-202(8) of this chapter. The requirement shall specify that such an ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance and local limits;
- (ii) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- (iii) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the control authority; and which of these activities will be conducted jointly by the contributing municipality and the control authority;
- (iv) A requirement for the contributing municipality to provide the control authority with access to all information that the contributing municipality obtains as part of its pretreatment activities:
- (v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW:
- (vi) Requirements for monitoring the contributing municipality's discharge;
- (vii) A provision ensuring the control authority access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the control authority; and
- (viii) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

The intermunicipal agreement may contain provisions for the control authority has the right to take action to enforce the terms of the contributing municipality's ordinances or to impose and enforce pretreatment standards and requirements directly against discharges of the contributing municipality. (1977 Code, § 13-206, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)

18-207. Reporting requirements. (1) Baseline monitoring reports.

(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 POTW shall submit to the control authority 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 becoming categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority 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 the applicable categorical standard(s). A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

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 - (i) All information required in §§ 18-205(5)(a)(i)(A), 18-205(5)(a)(ii), 18-205(5)(a)(iii)(A), and 18-205(5)(a)(iv).
 - (ii) Measurement of pollutants:
 - (A) The user shall provide the information required in § 18-205(5)(a)(vii)(A) through (D);
 - (B) The user shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this subsection;
 - (C) 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 in Tennessee Rule 1200-4-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;
 - (D) Sampling and analysis shall be performed in accordance with § 18-207(10);
 - (E) The control authority 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;
 - (F) 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 POTW.

- (iii) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-201(2)(c) 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.
- (iv) 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 § 18-207(2) of this chapter.
- (v) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-207(14)(a) of this chapter and signed by an authorized representative as defined in § 18-201(2)(c).
- (2) <u>Compliance schedule progress reports</u>. The following conditions shall apply to the compliance schedule required by § 18-207(1)(b)(iv) of this chapter:
 - (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 control authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as 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; and
 - (d) In no event shall more than nine (9) months elapse between such progress reports to the control authority.
- (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 POTW, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in §§ 18-205(5)(a)(iv) and (vii) and 18-207(1)(b)(ii) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-205(5), this report shall contain a reasonable measure of the user's long-term production rate. 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 § 18-207(14)(a) of this chapter. All sampling will be done in conformance with § 18-207(11).

- (4) <u>Periodic compliance reports</u>. All SIUs and non-significant categorical industrial users are required to submit periodic compliance reports.
 - (a) All users must, at a frequency determined by the control authority, submit no less than twice per year (on dates specified) 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 control authority or the pretreatment standard necessary to determine the compliance status of the user.
 - (b) The control authority may authorize an industrial user subject to a categorical pretreatment standard (upon the approval authority's approval) to forego sampling of a pollutant by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. [Tennessee Rule 1200-4-14-.12(5)(b)] This authorization is subject to the following conditions:
 - (i) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
 - (ii) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit or the general permit, but in no case longer than five (5) years. The user must submit a new request (including the requirements of § 18-207(4)(b)(iii) for the waiver before the waiver

can be granted for each subsequent individual wastewater discharge permit or general permit. See § 18-205(5)(a)(viii).

- (iii) In making a demonstration that a pollutant is not present, the industrial user must provide sufficient data of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- (iv) The request for monitoring waiver must be signed in accordance with $\S 18-201(2)(c)$ and include the certification statement in $\S 18-207(14)(a)$ [Tennessee Rule 1200-4-14-.06(1)(b)(2)].
- (v) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 C.F.R. part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- (vi) Any grant of the monitoring waiver by the control authority must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority and the user for three (3) years after the expiration of the waiver.
- (vii) Upon approval of the monitoring waiver and revision of the user's permit by the control authority, the industrial user must include on each submitted report the certification statement in § 18-207(14)(c) below that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.
- (viii) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of § 18-207(4)(a), or other more frequent monitoring requirements imposed by the control authority, and notify the control authority.
- (ix) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
- (c) All periodic compliance reports must be signed and certified in accordance with § 18-207(14)(a) of this chapter. A chain of custody form must be submitted with all reports.
- (d) 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.

- (e) 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 control authority, using the procedures prescribed in § 18-207(11) of this chapter, the results must included in the report for the corresponding reporting period.
- (5) <u>Reports of change conditions</u>. Each user must notify the control authority of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least one hundred eighty (180) days before the change.
 - (a) The control authority may require the user to submit such information as may be deemed as necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-205(5) of this chapter.
 - (b) The control authority may issue an individual wastewater discharge permit or general permit under § 18-206(6) of this chapter or modify an existing wastewater discharge permit under § 18-206(3) of this chapter in response to changed conditions or anticipated changed conditions.
 - (6) Reports of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a uncustomary batch discharge, a slug discharge or slug load that might cause potential problems for the POTW, the user shall immediately telephone and notify the control authority 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. The control authority may request a sample for analysis be collected at the moment of accidental discharge.
 - (b) Within five (5) days following such discharge, the user shall, unless waived by the control authority, 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 may incur as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any penalties or other liability which may be imposed pursuant to this chapter.
 - (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 are advised of the emergency notification procedure.
 - (d) Significant industrial users are required to notify the control authority immediately of any changes at their facility affecting the potential for a slug discharge.

- (7) Reports from non-permitted users. All users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the control authority as may be required.
- (8) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the control authority 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 control authority within thirty (30) days after becoming aware of the violation. Repeat sampling by the industrial user is not required if the control authority performs sampling at the user's facility at least once a month, or if the control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling, or if the control authority has performed the sampling and analysis in lieu of the industrial user. If sampling performed by the control authority indicates a violation, the control authority may opt to notify the user of the violation and require the user to perform the repeat sampling and analysis [40 C.F.R. 403.12(g)(2)].
 - Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the control authority, the EPA Regional Water Management Division director, and state hazardous waste authorities, in writing, of any discharge to the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. 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 eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-207(5) of this chapter. 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 §§ 18-207(1), 18-207(3) and 18-207(4) of this chapter.
 - (b) Discharges are exempt from the requirements of subsection (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 C.F.R. 261.20(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. 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 control authority, 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 chapter, a permit issued thereunder, 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 C.F.R. part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. 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 using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties approved by EPA.
- (11) <u>Sample collection</u>. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the reporting 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 control authority. Where time proportional sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation)

specified in 40 C.F.R. 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 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. In addition, grab samples may be required to show compliance with instantaneous limits [40 C.F.R. 403.12(g)(3)].

- (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 § 18-207(1) and (3) [Tennessee Rule 1200-4-14-.12(2) and (4)], 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 data are available, the control authority may authorize a lower minimum. For the reports required by § 18-207(4) paragraphs [Tennessee Rule 1200-4-14-.12(5) and (8)], 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) <u>Date of receipt of reports</u>. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed using the U.S. Postal Service, the date of receipt of the report shall govern.
- of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, 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, as set out in individual wastewater discharge permits or general permits. 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 after the expiration date of the user's permit. This period shall be automatically extended for the duration of any litigation concerning the user or the control authority, or where the user has been specifically notified of a longer retention period by the control authority.
 - (14) <u>Certification statements</u>. (a) Certification of permit applications, user reports and initial monitoring waiver. The following certification

statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-205(6); users submitting baseline monitoring reports under § 18-207(1)(b)(v) [40 C.F.R. 403.12(1)]; users submitting reports on compliance with the categorical pretreatment standard deadlines under § 18-207(3) [40 C.F.R. 403.12(d)]; users submitting periodic compliance reports required by § 18-207(4)(a)--(c) [40 C.F.R. 403.12(e) and (h)], and users submitting an initial request to forego sampling of a pollutant on the basis of § 18-207(4)(b)(iv) [40 C.F.R. 403.12(e)(2)(iii)]. The following certification statement must be signed by an authorized representative as defined in § 18-201(2)(c):

"I certify under the 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(s) who manage the system, or the person(s) 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 penalty and imprisonment for knowing violations."

(b) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the control authority pursuant to §§ 18-201(2)(fff)(iii) and 18-205(6)(c) [40 C.F.R. 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements in § 18-201(2)(c) [40 C.F.R. 403.120(1)]. This certification must accompany an alternative report required by the control authority:

"Based on	my inq	uiry of t	the perso	on(s) dire	ectly
responsible for m	anaging	complianc	ce with th	ne categor	rical
Pretreatment Sta	ndards ur	nder 40 C.	F.R. Part	,' I ceı	ctify
that, to the best of	f my knov	vledge and	d belief th	at during	the
period from		_ to	_,[month, d	ays,
year(s)]:					
(i)	The fa	acility de	escribed	as	
FA .11.				~	

[facility name] met the definition of a Non-Significant Categorical Industrial User as described in § 18-201(2)(fff)(iii);

- (ii) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (iii) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

(c) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 18-207(4)(b) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

"Based on my inquiry of the person(s) directly responsible for managing compliance with the Pretreatment Standard for 40 C.F.R. Part(s) _______, I certify that, to the best of my knowledge and belief, there has been no increase in the level of ______ in the wastewaters due to the activities at the facility since filing of the last periodic report under § 18-207(4)(a)." (1977 Code, § 13-207, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)

- 18-208. <u>Compliance monitoring</u>. <u>Right of entry: inspection and sampling</u>. The control authority shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the control authority or his representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- (1) Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guard(s) so that, upon presentation of suitable identification, personnel from the control authority, approval authority and EPA shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities (40 C.F.R. 403.12).
- (2) The control authority, approval authority and EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering of the user's operations.

- (3) The control authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually, unless specified otherwise to ensure their accuracy. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and on-site analysis (where necessary), whether constructed on public or private property. The monitoring facilities should be provided in accordance with the control authorities' requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the control authority to perform independent monitoring activities.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (5) Unreasonable delays in allowing the control authority access to the user's premises shall be a violation of this chapter. (1977 Code, § 13-208, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)
- 18-209. <u>Confidential information</u>. Information and data on a user obtained from reports, surveys, permit applications, individual wastewater discharge permits or general permits and monitoring programs, and from the control authority's inspections and sampling activities, shall be available to the public or other governmental agency without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user under applicable state law. Any such request must be asserted at the time of submission of the information or data.

When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and/or the state pretreatment program, and 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 and other effluent data, as defined at 40 C.F.R. 2.302, shall not be recognized as confidential information and shall be available to the public without restriction. (1977 Code, § 13-209, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)

- 18-210. Publication of users in significant noncompliance. The control authority shall publish, at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of users, which at any time during the previous twelve (12) months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any user which violates subsections (3), (4), or (8) of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:
- (1) 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 the same pollutant parameter during a six (6) month period exceed on a rolling quarterly basis (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-201(2);
- (2) 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 equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-201(2) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other parameters except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by § 18-201(2) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel and/or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 C.F.R. 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations, which may include a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program. (1977 Code, § 13-210, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)

- 18-211. <u>Administrative enforcement remedies</u>. All administrative enforcement actions taken against a significant industrial user, including procedures, orders, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically <u>Tennessee Code Annotated</u>, § 69-3-123, and enforcement per the Enforcement Response Plan (ERP).
- (1) Notification of violation. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or general permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may serve upon that user a written notice of violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of such a 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 shall limit the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (2) <u>Consent orders</u>. The City of Pulaski is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the document. Consent orders shall have the same force and effect as the administrative orders issued pursuant to § 18-211(4) and (5) of this chapter and shall be judicially enforceable.
- Show cause hearing. The control authority may order a user which (3)has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or general permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City of Pulaski and show cause why the 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 such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 18-201(3)(c) and required by § 18-505(7)(a). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued. Hearings shall be conducted in accordance with the provisions of Tennessee Code Annotated, § 69-3-124.
- (4) <u>Compliance orders</u>. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual

wastewater discharge permit or general permit, order issued hereunder, or any pretreatment standard or requirement, the City of Pulaski may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time period. If the user does not show compliance within the specified time period, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated to allow compliance with this chapter. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, the installation of pretreatment systems(s), 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 pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. A compliance order may also contain a penalty for noncompliance with the ordinance or an individual wastewater discharge permit or a general permit. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (5) <u>Cease and desist orders</u>. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or general permit, order issued hereunder, any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City of Pulaski may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - (a) Immediately comply with all requirements; and
 - (b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
 - (6) Administrative penalties. (a) Notwithstanding any other section of this chapter, when the control authority finds that a user has violated, or continues to violate, any provision of this chapter, individual wastewater discharge permit or general permit, and/or orders issued hereunder, any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the control authority may penalize such a user in an amount not to exceed ten thousand dollars (\$10,000.00). Such penalties shall be assessed on a per violation, per day basis in accordance with the provisions of Tennessee Code Annotated, §§ 69-3-125, 126, 128 and 129 and 40 C.F.R. 403.8(t)(1)(vi)(A). In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next

scheduled sewer service charge and the City of Pulaski shall have such other collection remedies as are available to collect other service charges.

- (b) Unpaid charges and penalties shall constitute a lien against the individual significant industrial user's property.
- (c) Users desiring to dispute such penalties must file a written request for the City of Pulaski to reconsider the penalty along with full payment of the penalty amount within thirty (30) days of being notified of the penalty. Where the City of Pulaski believes a request has merit, the City of Pulaski shall convene a hearing on the matter within fifteen (15) days of receiving the request from the significant industrial user and a hearing will be held before the City of Pulaski in accordance with the provisions of Tennessee Code Annotated, § 69-3-124. The control authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.
- (d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (7) <u>Emergency suspensions</u>. The City of Pulaski may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
 - (a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority may take such steps as deemed necessary, including immediate severance of the building sewer connection to the POTW, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City of Pulaski may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed, unless the termination proceedings set forth in § 18-211(8) of this chapter are initiated against the user.
 - (b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the control authority a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence within five (5) days after notification of suspension of service or prior to the date of any show cause or termination hearing under § 18-211(3) or (8) of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

- (8) <u>Termination of discharge</u>. In addition to the provision in § 18-206(5) of this chapter, any user who violates the following conditions is subject to permit termination:
 - (a) Violation of individual wastewater discharge permit or general 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 constituents and characteristics;
 - (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
 - (e) Violation of the pretreatment standards in § 18-202 of this chapter.

Such user(s) will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 18-211(3) of this chapter why the proposed action should not be taken. Exercise of this option by the control authority shall not be a bar to, or a prerequisite for, taking any other action against the user. (1977 Code, § 13-211, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)

18-212. <u>Judicial enforcement remedies</u>. (1) <u>Injunctive relief</u>.

- (a) If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or industrial wastewater discharge permit or general permit issued hereunder, the City of Pulaski, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Giles County. Any judicial proceedings and relief shall be in accordance with the provisions of Tennessee Code Annotated, § 69-3-127.
- (b) When the control authority finds that a user has violated, or continues to violate, any provisions of this chapter, an individual wastewater discharge permit or general permit, order issued hereunder, or any other pretreatment standard or requirement, the City of Pulaski, through the city attorney, may petition the court for the issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the individual wastewater discharge permit or general permit, order, or other requirement imposed by this chapter on activities of the user. The City of Pulaski may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

 (2) Civil penalties. (a) A user who has violated, or continues to
- (2) <u>Civil penalties</u>. (a) A user who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or general permit, an order issued hereunder, or any pretreatment

standard or requirement shall be liable to the City of Pulaski for a maximum civil penalty of ten thousand dollars (\$10,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- (b) The City of Pulaski may recover reasonable attorneys' fees, court costs, engineering fees, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
- (c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (3) <u>Criminal prosecution</u>. Any violation of this chapter is subject to criminal prosecution as ascertained in <u>Tennessee Code Annotated</u>, § 40-35-3.
- (4) Remedies nonexclusive. The remedies provided for in this chapter are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City of Pulaski enforcement response plan. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take more than one enforcement action against any noncompliant user. (1977 Code, § 13-212, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)

18-213. Affirmative defenses to discharge violations.

- (1) <u>Treatment upset</u>. (a) Any significant industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the control authority thereof immediately upon becoming aware of the upset.
- (b) A user who wishes to establish affirmative defense of a treatment upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and the user can identify the cause(s) of the upset;

- (ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (iii) The user has submitted the following information to the control authority within twenty-four (24) hours of becoming aware of the upset (where such information is provided orally, a written report thereof shall be filed by the user within five (5) days).

The report shall contain:

- (A) A description of the indirect discharge and cause of noncompliance;
- (B) The duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored;
- (C) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.
- (c) A significant industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the City of Pulaski for any noncompliance with this chapter, or an order or industrial wastewater discharge permit or general permit issued hereunder to the significant industrial user, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.
- (d) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (2) Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 18-202(3)(a) of this chapter or the specific prohibitions in § 18-202(3)(b)(i) through (b)(xvi) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
 - (a) A local limit exists for each pollutant discharge and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the control authority was regularly in compliance with its NPDES

permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. The affirmative defense outlined in this section does not apply to the specific prohibitions in § 18-202(3)(b)(i), (iii) and (xv) of this chapter.

- (3) <u>Bypass</u>. (a) For the purposes of this section:
 - (i) Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) Bypass not violating applicable pretreatment standards or requirements. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d) of this section.
 - (c) Bypass notification. (i) If a user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, if possible at least ten (10) days before the date of the bypass.
 - (ii) A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
 - (d) Prohibition of a bypass. (i) Bypass is prohibited, and the control authority may take enforcement action against a user for a bypass, unless;
 - (A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There was no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is

not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The user properly notified the control authority as required by § 18-213(3)(c).

The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three (3) conditions listed in subsection (d)(i) of this section. (1977 Code, § 13-213, as amended by Ord. #9, 2000, Oct. 2000, replaced by Ord. #11, 2001, April 2001, amended by Ord. #3, 2002, March 2002, and replaced by Ord. #1, 2012, Feb. 2012)

- 18-214. <u>Miscellaneous provisions</u>. (1) <u>Pretreatment charges and fees</u>. The City of Pulaski may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:
 - (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
 - (b) Fees for monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing the user's discharge, and reviewing monitoring reports and certification statements submitted by users;
 - (c) Fees for reviewing and responding to accidental discharge procedures and construction;
 - (d) Fees for filing appeals;
 - (e) Fees to recover administrative and legal costs (not included in § 18-214(1)(b)) associated with the enforcement activity taken by the control authority to address user noncompliance; and
 - (f) Other fees the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees and penalties chargeable by the city.
- (2) <u>Severability</u>. If any provision, paragraph, word, section or subsection of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.
- (3) <u>Conflict</u>. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of the ordinance comprising this chapter are hereby repealed to the extent of such inconsistency or conflict.
- (4) <u>Effective date</u>. This chapter shall be in full force and effect from and after its passage, approval and publication, as provided by law. (1977 Code, § 13-214, as replaced by Ord. #11, 2001, April 2001, and Ord. #1, 2012, Feb. 2012)

- **18-215.** [Deleted.] (1977 Code, \S 13-215, as replaced by Ord. #11, 2001, April 2001, and deleted by Ord. #1, 2012, Feb. 2012)
- **18-216.** [Deleted.] (1977 Code, § 13-216, as replaced by Ord. #11, 2001, April 2001, and deleted by Ord. #1, 2012, Feb. 2012)

APPENDIX A (Revised March 2011)

POLLUTANT PARAMETERS

(Subject to Change by Addenda applicable to "Pass Through Limitations" issued by the State. The year for each revision will be indicated at APPENDIX A.)

Table A1: Specific Pollutant Limitations

Table A1: Specific Pollutant Limit	Maximum	
	Concentration	
	in 24 Hour Flow	Maximum
	Proportional	Instantaneous
D	Composite	Concentration Grab
Parameter	Sample (mg/L)	Sample (mg/L)
Arsenic	0.011	0.022
Benzene	0.043	0.086
Cadmium	0.013	0.026
Carbon Tetrachloride	0.12	0.24
Chloroform	0.77	1.54
Chromium, total	0.996	1.992
Copper	0.375	0.75
Cyanide	0.088	0.176
Ethylbenzene	0.083	0.166
Lead	0.107	0.214
Mercury	0.00012	0.00024
Methylene Chloride	0.258	0.516
Molybdenum	0.019	0.038
Naphthalene	0.0152	0.0304
Nickel	0.218	0.436
Phenols, total	1.50	3.0
Phthalates, total	0.37	0.74
Selenium	0.006	0.012
Silver	0.055	0.11
Zinc	0.83	1.66
Tetracloroethylene	0.373	0.746
Toluene	0.64	1.28

	Maximum	
	Concentration	
	in 24 Hour Flow	Maximum
	Proportional	Instantaneous
	Composite	Concentration Grab
Parameter	Sample (mg/L)	Sample (mg/L)
1,1,1-Trichloroethane	0.60	1.20
1,2-Transdichloroethylene	0.018	0.036
BOD_5	300	450
Total Suspended Solids, TSS	300	450
Total Oil and Grease, O&G	100	150

^{*}Based on twenty-four (24)-hour flow proportional composite samples except for parameters that should be grab sampled.

Any user discharging wastewater having pollutants in excess of the concentrations listed above may be subject to penalties and/or surcharges as outlined in § 18-204 and §§ 18-210, 18-211 and 18-212. (as added by Ord. # 1, 2012, Feb. 2012)

^{*}f/l = fibers/liter

Table A2: Criteria to Protect the POTW Treatment Plant Influent

Pollutant	Daily Average* Maximum Concentration (mg/L)	Instantaneous Maximum Concentration (mg/L)
1,1,1-Trichloroethane	0.20	0.40
1,2 Transdichloroethylene	0.0045	0.0090
Arsenic	0.005	0.010
Benzene	0.015	0.030
Cadmium	0.00319	0.00638
Carbon Tetrachloride	0.039	0.078
Chloroform, total	0.257	0.514
Chromium, total	0.33	0.66
Copper	0.09586	0.19172
Cyanide	0.03	0.06
Ethylbenzene	0.028	0.056
Lead	0.027	0.054
Mercury	0.00005	0.00010
Methylene Chloride	0.086	0.172
Molybdenum	0.00824	0.01648
Naphthalene	0.0454	0.0908
Nickel	0.05496	0.10992
Phenols, total	0.50	1.00
Phthalates, total	0.126	0.252
Selenium	0.006	0.012
Silver	0.02	0.04
Tetrachloroethylene	0.125	0.25
Toluene	0.21	0.42

Pollutant	Daily Average* Maximum Concentration (mg/L)	Instantaneous Maximum Concentration (mg/L)
Trichloroethylene	0.09	0.18
Zinc	0.1948	0.3896

Analyses for all pollutants listed in Table A2 shall be conducted in accordance with the requirements of 40 C.F.R. part 136 or equivalent methods approved by the United States Environmental Protection Agency. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless otherwise indicated. (as added by Ord. # 1, 2012, Feb. 2012)

APPENDIX B (July 2009)

RATE SCHEDULES (SUBJECT TO REVISION)

The following sewer rate schedules shall apply to each user of the sewerage facilities. This schedule includes the user charge as established herein and the charge for debt service and recovery of other costs, each based on volume of flow.

Sewer Rate Schedule

	Inside Corporate Limits	Outside Corporate Limits
Residential Rates		
First 2,000 gallons	\$7.00 (minimum)	\$9.75 (minimum)
Over 2,000 gallons	\$4.40/1,000	\$4.40/1,000
Commercial Rates		
First 2,000 gallons	\$8.10 (minimum)	
Over 2,000 gallons	\$4.40/1,000	
Industrial Rates		
First 2,000 gallons	\$8.93 (minimum)	\$8.93 (minimum)
Over 2,000 gallons	\$4.40/1,000	\$4,40/1,000
Pulaski Terrace (Code 50)		
First 4,000 gallons	\$12.50 (minimum)	
Over 4,000 gallons	\$4.40/1,000	
Pulaski Terrace (Code 60)		
First 8,000 gallons	\$23.50 (minimum)	
Over 8,000 gallons	\$4.40/1,000	

	Inside	Outside
	Corporate Limits	Corporate Limits
Pulaski Terrace (Code 70)		
First 16,000 gallons	\$45.50 (minimum)	
Over 16,000 gallons	\$4.40/1,000	
Pulaski Terrace (Code 80)		
First 32,000 gallons	\$89.50 (minimum)	
Over 32,000 gallons	\$4.40/1,000	
Sewer Surcharge Rate Schedule		
First 2,000 gallons	\$9.20 (minimum)	
Over 2,000 gallons	\$4.40/1,000	

Sewer Connection Schedule

Sewer connections inside the city 6-inch and smaller:

1 - 2 tenants	\$1,000.00
3 - 5 tenants	\$1,250.00
6 - 8 tenants	\$1,500.00
9 or more tenants	\$1,750.00
Plumbing permit per outlet	\$ 2.00

Sewer connection inside city to connect with main line and extend in any direction:

6-inch and smaller		\$1,000.00
8-inch	\$1,250.00	
10-inch and larger		\$1,500.00

Sewer connection outside the city 6-inch and smaller:

1 - 2 tenants	\$1,250.00
3 - 5 tenants	\$1,500.00
6-8 tenants	\$1,750.00
9 or more tenants	\$2,000.00
Plumbing permit per outlet	\$ 3.00

Sewer connection outside the city to connect with main line and extend in any direction:

6-inch and smaller	\$1,300.00
8-inch	\$1,550.00
10-inch and larger	\$1,800.00

(as added by Ord. # 1, 2012, Feb. 2012)

APPENDIX C

SURCHARGE FEES (April 2010)

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Biochemical Oxygen Demand (BOD<sub>5</sub>)
Additional billing (surcharge) =
 Sewer Bill for Monthly Usage X Actual average BOD<sub>5</sub> concentration(mg/L) 300 mg/L BOD<sub>5</sub> Monthly Average Limit
          - Sewer Bill for Monthly Usage
Total Suspended Solids (TSS)
Additional billing (surcharge) =
  Sewer Bill for Monthly Usage X
                                        Actual average TSS concentration(mg/L)
                                        300 mg/L TSS Monthly Average Limit
         - Sewer Bill for Monthly Usage
Oil and Grease (O & G)
Additional billing (surcharge) =
 Sewer Bill for Monthly Usage X
                                       Actual average O & G concentration(mg/L)
                                       150 mg/L O & G Maximum for any One Day Limit
          - Sewer Bill for Monthly Usage
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(as added by Ord. # 1, 2012, Feb. 2012)

CHAPTER 3

SEWAGE¹

SECTION

- 18-301. When sanitary sewage disposal facilities are required.
- 18-302. Responsibility for installation and maintenance of facilities.
- 18-303. When a connection to the sanitary sewer is required.
- 18-304. When a septic tank is required.
- 18-305. When a septic tank or a sanitary pit privy is required.
- 18-306. Use of other than prescribed facilities.
- 18-307. Connections outside corporate limits.
- 18-301. When sanitary sewage disposal facilities are required. Any building or structure wherein people live, are employed, or congregate must be equipped with such sanitary facilities for sewage disposal as are prescribed by this chapter. (1977 Code, § 8-201)
- 18-302. Responsibility for installation and maintenance of facilities. The owner of any property required by this chapter to have sanitary facilities for sewage disposal shall be responsible for the proper installation of such facilities. The occupant or person having immediate use and control of such property shall be responsible for maintaining the facilities in a sanitary and usable condition unless by contractual arrangement between the parties the owner expressly agrees to retain such responsibility. (1977 Code, § 8-202)
- 18-303. When a connection to the sanitary sewer is required. Any building or structure within the meaning of § 18-301 and located on land which abuts upon a street or other public way containing a sanitary sewer must be equipped with sanitary sewage disposal facilities connected to such sanitary sewer. (1977 Code, § 8-203)
- 18-304. When a septic tank is required. Other such buildings and structures within the fire limits but not located on land abutting on a street or other public way containing a sanitary sewer must be equipped with sanitary sewage disposal facilities connected to a septic tank approved by the health officer. (1977 Code, § 8-204)

Plumbing code: title 12, chapter 2.

¹Municipal code reference

- 18-305. When a septic tank or a sanitary pit privy is required. All other such buildings and structures located outside the fire limits¹ but not on land abutting on a street or other public way containing a sanitary sewer must be equipped with sanitary sewage disposal facilities connected to a septic tank approved by the health officer unless he expressly authorizes and approves a sanitary pit privy. (1977 Code, § 8-205)
- 18-306. <u>Use of other than prescribed facilities</u>. Where this chapter requires a particular type of sewage disposal facility the use of any other type, or disposal by any other means, is hereby expressly prohibited unless approved by the health officer. The health officer is authorized to approve exceptions to the provisions of this chapter only when the lot size, soil composition, lay of the land, or other unusual circumstances makes the installation and use of the prescribed facilities unfeasible. Neither shall the health officer approve any installations under sections 8-204 or 8-205 unless conditions favor such installations as adequate for protection of the public health. (1977 Code, § 8-206)
- 18-307. <u>Connections outside corporate limits</u>. From this day forward (July 24, 1990) no person shall be connected to the sanitary system of the City of Pulaski Tennessee, where the property is located outside of the corporate limits of the City of Pulaski, except for the usage in the industrial park. (1977 Code, § 8-207)

¹Municipal code reference Fire limits: § 7-101.

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.1

SECTION

- 18-401. Regulated.
- 18-402. Definitions.
- 18-403. Standards.
- 18-404. Construction, operation, and supervision.
- 18-405. Statement required.
- 18-406. Inspections required.
- 18-407. Right of entry for inspections.
- 18-408. Correction of existing violations.
- 18-409. Use of protective devices.
- 18-410. Unpotable water to be labeled.
- 18-411. Violations.
- **18-401.** Regulated. This chapter shall be known as the cross-connection ordinance and shall include auxiliary intakes, bypasses, and interconnections. (1977 Code, § 8-301)
- **18-402.** <u>**Definitions**</u>. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:
- (1) "Public water supply." The waterworks system furnishing water to Pulaski for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.
- (2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.
- (3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

- (4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.
- (5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.
- (6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1977 Code, § 8-301)
- 18-403. <u>Standards</u>. The Pulaski Tennessee Water System is to comply with <u>Tennessee Code Annotated</u>, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1977 Code, § 8-301)
- **18-404.** Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the Pulaski Public Water System. (1977 Code, § 8-301)
- 18-405. <u>Statement required</u>. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1977 Code, § 8-301)
- 18-406. <u>Inspections required</u>. It shall be the duty of the superintendent of the Pulaski Public Water System to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent of the Pulaski Public Water System and as approved by the Tennessee Department of Health. (1977 Code, § 8-301)

18-407. Right of entry for inspections. The superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Pulaski Public Water System for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1977 Code, § 8-301)

18-408. <u>Correction of existing violations</u>. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of the Pulaski Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the <u>Tennessee Code Annotated</u>, § 68-221-711, within a reasonable time and within the time limits set by the Pulaski Public Water System shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1977 Code, § 8-301)

- **18-409.** <u>Use of protective devices</u>. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:
 - (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the Pulaski Public Water System or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the Pulaski Public Water System prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Pulaski Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of the Pulaski Public Water System.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Pulaski Public Water System. (1977 Code, § 8-301)

18-410. <u>Unpotable water to be labeled</u>. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1977 Code, § 8-301)

18-411. <u>Violations</u>. The requirements contained herein shall apply to all premises served by the Pulaski Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Pulaski corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day of continued violation after conviction shall constitute a separate offense. (1977 Code, § 8-301)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

- 1. ELECTRICITY.
- 2. GAS.

CHAPTER 1

ELECTRICITY1

SECTION

- 19-101. Operation and control of system.
- 19-102. Operation of cable television franchise.
- 19-101. Operation and control of system. The municipal electric system shall be operated and controlled by the five (5) member "board of public utilities" created and established pursuant to the "Municipal Electric Plant Law of 1935" as set out in title 7, chapter 52, Tennessee Code Annotated. The board shall have such powers and duties as are prescribed by said law as amended. (1977 Code, § 13-301, as amended by Ord. #3, 2000, July 2000)
- **19-102.** Operation of cable television franchise. The Pulaski Electric System has agrees to operate a cable television franchise system within the city. (as added by Ord. #11, July 2007)

Electrical code: title 12.

Rates for basic cable tv service: title 9

¹Municipal code reference

GAS^1

SECTION

- 19-201. Cut-on/cut-off fee.
- 19-202. Turning on or off.
- 19-203. Billing.
- 19-204. Nonpayment of bill.
- 19-205. Schedule of rates.
- 19-201. <u>Cut-on/cut-off fee</u>. Each prospective customer desiring gas service will be required to sign a standard form contract before service is supplied. A fifty dollar (\$50.00) cut on fee shall be paid prior to service being established. In the event the service is discontinued or terminated due to lack of payment for such utility service, an additional twenty-five dollars (\$25.00) cut on fee shall be required each time the utility service is established. (1977 Code, § 13-401, as replaced by Ord. #4, 2002, May 2002)
- **19-202.** <u>Turning on or off</u>. No person other than the gas inspector or an authorized employee of the gas department shall turn any gas service on or off without the express permission or approval of the manager of the gas department. (1977 Code, § 13-402)
- 19-203. <u>Billing</u>. Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semi-monthly, or monthly, at the option of the municipality.

Notwithstanding any other provision of law to the contrary, if gas services are inaccurately recorded or registered and such inaccuracy results in the customer being undercharged or overcharged, the city shall be authorized to collect or assess a charge for the unpaid gas services or to reimburse the customer for overpayment of such usage, for a period not to exceed the prior twenty-four (24) months from the date the error is discovered or billed. (1977 Code, § 13-403, as amended by Ord. #1, 2013, Jan. 2013)

19-204. <u>Nonpayment of bill</u>. If a bill is not paid within five (5) days after the penalty is added the consumer's gas service may be turned off and his meter locked without notice. (1977 Code, § 13-404)

¹Municipal code reference Gas code: title 12. 19-205. <u>Schedule of rates</u>. The rates to be charged by the Natural Gas Department of the City of Pulaski for service shall be as from time to time set out by resolution of the board of mayor and aldermen. (1977 Code, § 13-405)

TITLE 20

MISCELLANEOUS

CHAPTER

- 1. BUILDING DEPARTMENT.
- 2. DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT.
- 3. USAGE FEES AT THE PARKS AND RECREATION FACILITIES.
- 4. MOSQUITO CONTROL PLAN.
- 5. ABSENTEE VOTING BY NONRESIDENT PROPERTY OWNERS.
- 6. PUBLIC RECORDS.

CHAPTER 1

BUILDING DEPARTMENT

SECTION

- 20-101. Establishment.
- 20-102. Qualifications and appointment of building inspector.
- 20-103. Waiver of qualifications for building inspector.
- 20-104. Duties of building inspector.
- 20-105. "Construction" defined.
- 20-106. Permit fees.
- 20-107. No permit required for certain redecorating, painting, and repairing.
- 20-108. Violations.
- **20-101.** Establishment. There is hereby established in the city a department to be called the building department which shall be in the charge of the building inspector. Said department shall be governed by the city's personnel policy. (1977 Code, § 1-1201, as amended by Ord. #6, 2012, Sept. 2012)
 - 20-102. Qualifications and appointment of building inspector.

The building inspector shall have had at least five (5) years experience as superintendent of building construction or shall for a period of five (5) years been in responsible charge of similar work. He shall be hired by the city administrator and report thereto. He may be employed in other capacities by the city however, he shall not have any financial interest in any business engaged in the construction of buildings or sale of building supplies in the City of Pulaski, Tennessee. (1977 Code, § 1-1202, as amended by Ord. #6, 2012, Sept. 2012)

20-103. Waiver of qualifications for building inspector. The board of mayor and aldermen may, at any time, waive the qualifications set forth in § 20-102 when it appears that a suitable person for appointment as building

inspector is not available. (1977 Code, § 1-1203, as amended by Ord. #6, 2012, Sept. 2012)

- **20-104.** <u>Duties of building inspector</u>. The duties of the building inspector shall be to perform a service to the citizens and residents of the City of Pulaski. He shall effectively enforce all codes, ordinances, regulations for building, zoning, and subdivision regulations by issuing permits in a manner herein prescribed and shall charge a fee in a manner according to the schedules hereinafter referred to. He shall submit a monthly report to the board of mayor and aldermen of his activities.
- (1) The building inspector shall issue an appropriate permit for all construction as is set forth in the <u>International Building Code</u> of the City of Pulaski and shall inspect said construction to determine compliance with said code. He may adopt such methods or requirements deemed necessary to insure said compliance.
- (2) The building inspector shall issue an appropriate permit for all construction as set forth in the zoning regulations as adopted by the City of Pulaski and shall inspect said construction to determine compliance with the said ordinance. He may adopt such methods or requirements deemed necessary to insure said compliance.
- (3) The building inspector shall issue an appropriate permit for all construction as set forth in the subdivision regulations as adopted by the City of Pulaski and shall assist the planning commission of the City of Pulaski in effectively administering its duties. He shall meet and make reports to said commission and become the administrative officer of said commission, (1977 Code, § 1-1204, as amended by Ord. #6, 2012, Sept. 2012)
- **20-105.** "Construction" defined. The word "construction" as used in the preceding paragraph shall include work by all persons who shall erect, construct, alter, demolish or move any structure, make a major repair, remodel or in any manner change the physical condition of a structure to that of another and shall include all such activity involving the work of contractors or property owners who wish to engage in this activity. (1977 Code, § 1-1205)

20-106. <u>Permit fees</u>. The building inspector shall charge the following fees for the issuance of the various permits:

TOTAL VALUATION	$\underline{ ext{FEE}}$
\$1000.00 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1001.00 to \$50,000.00	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$1660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.
	B102 MOVING FEE

For the moving of any building or structure, the fee shall be \$100.00

B103 DEMOLITION FEE

For the demolition of any building or structures, the fee shall be:

0 - 100,000 cu ft \$50.00

100,000 cu ft and over \$0.50/1,000 cu ft

B104 PENALTIES

Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

B105 PLAN-CHECKING FEES

When the valuation of the proposed construction exceeds \$1000.00 and a plan is required to be submitted by 103.2, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in 103.7.4. Such plan-checking fee is in addition to the building permit fee. (1977 Code, § 1-1206)

- 20-107. No permit required for certain redecorating, painting, and repairing. No permit shall be required for any person who shall redecorate, paint, or otherwise repair or maintain existing facilities in a building. (1977 Code, § 1-1207)
- **20-108.** <u>Violations</u>. Any person, firm, association, or company who shall violate a provision of this chapter or who shall fail to comply herewith or who shall erect, construct, alter, demolish, or move any structure, or have erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of the terms and conditions of this chapter, shall be guilty of a misdemeanor. (1977 Code, § 1-1208)

DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT

SECTION

20-201. Director.

20-202. Duties and powers of director.

- **20-201.** <u>Director</u>. There is hereby created and established the office of director of the parks and recreation department of the city which shall be governed by the city's personnel policy. (1977 Code, § 1-1401, as amended by Ord. #6, 2012, Sept. 2012)
- **20-202.** <u>Duties and powers of director</u>. (1) It shall be the duty of the director to actively supervise all activities of the parks and recreation department and to coordinate, where feasible, any activity that may involve any other department to the best and economic benefit of all departments.
- (2) The director shall have the following duties and supervisory authority in addition to those set out in (1) above:
 - (a) He shall supervise the operation and maintenance of the department.
 - (b) He shall exercise his judgement in all matters of emergency and all matters pertaining to the routine operation of the department.
 - (c) He shall have immediate and full supervision and direction of all employees in the department in the discharge of their duties.
 - (d) He shall be responsible for the records and office work of his department and shall maintain the same in proper and current condition and shall further see that all bills, invoices, and payrolls are correct and shall approve the same.
 - (e) He shall submit a written report to the board of mayor and aldermen at the January organizational meeting each year setting forth in detail all activities and operations of the department for the preceding calendar year. (1977 Code, § 1-1402)

USAGE FEES AT THE PARKS AND RECREATION FACILITIES

SECTION

- 20-301. Policy for refunds for usage fees.
- 20-302. Fee for one-time dragging and lining off of ball field.
- 20-303. Non-resident user fees.
- **20-301.** Policy for refunds for usage fees. The city recorder shall have the authority to refund the full rental fee deposited by individuals reserving parks and recreations facilities of the City of Pulaski if the cancellation is made sixty (60) days prior to such event.

The city recorder shall have the authority to refund one-half (1/2) of such rental fee if the cancellation is made thirty (30) days prior to such event.

If the cancellation is made less than thirty (30) days prior to the event, the full rental fee shall be forfeited to the City of Pulaski. (Ord. #8, 2000, Aug. 2000, as replaced by Ord. #4, 2013, May 2013)

- **20-302.** Fee for one-time dragging and lining off of ball field. The parks department will drag and line off a ball field prior to a tournament once prior to the tournament for a fee of twenty dollars (\$20.00) per field. (as added by Ord. #4, 2013, May 2013)
- **20-303.** Non-resident user fees. The following fees will be assessed to non-residents of Giles County as follows:

\$100.00 per day for use of a park

\$10.00 per field, per day for lights at Magazine Road Park

\$10.00 per field, per day for lights at Richland Park

\$10.00 per day for lights at W.D. Savage Park

\$25.00 per day for lights at Sam Davis Park. (as added by Ord. #4, 2013, May 2013)

MOSQUITO CONTROL PLAN

SECTION

- 20-401. Purpose.
- 20-402. Definitions.
- 20-403. General provisions.
- 20-404. Methods of eliminating and treating mosquito breeding sources.
- 20-405. Right of entry-inspection.
- 20-406. Penalties and remedies.
- 20-407. Severability.
- **20-401. Purpose**. The City of Pulaski shall establish an effective program of mosquito control, including, but not limited to, elimination or treatment of breeding sources for mosquitoes, elimination of identified mosquito populations, and alleviation of all other such conditions found to be conducive to the reproduction or continued existence of mosquitoes. This shall be accomplished through the processes of education and public information, conference, conciliation, persuasion, and these having failed, by administrative and judicial proceedings for the explicit purpose of controlling the breeding of mosquitoes, the presence of and convenience of the residents, and jeopardize enjoyment of life and property. (as added by Ord. #3, June 2007)
- **20-402.** <u>Definitions</u>. (1) "Artificial container" means any bucket, barrel, tire, bottle, tub, tank, gutter, bird bath, swimming pool, ornamental pond, flower pot, jar or, any other such manmade items capable of collecting water.
- (2) "Breeding source" means any area capable of sustaining the reproduction of mosquitoes.
 - (3) "City" means the City of Pulaski.
- (4) "Evidence of mosquito breeding" means the natural presence of mosquito larva, pupa, or their remains.
- (5) "Insecticide" means a chemical agent which kills or prevents the reproduction of insects.
- (6) "Larva" means the immature, fully aquatic stage of mosquito development in which the insect appears as a small, wingless, worm-like form.
- (7) "Larvicide" means a chemical agent which kills or prevents the reproduction of mosquito larvae.
- (8) "Mosquito" means a small long legged, two winged insect of the family Culicidae, in which the female of the species is distinguished by a long proboscis for sucking blood.

- (9) "Occupant" means the person who has the use of or occupies any building or any part thereof or who has the use or possession, actual or constructive, of the premises whether the owner or tenant. In the case of vacant buildings or vacant portions of a building, or in a case of occupancy in whole or in part by the owner, the owner of the building shall be deemed to be, and shall have the responsibility of an occupant of such building.
 - (10) "Owner" means the person owning the building or premises.
- (11) "Person" means individuals, firms, partnerships, associations, public or private institutions, municipalities, political subdivisions of the State of Tennessee; governmental agencies or public or private corporations.
- (12) "Premises" means a parcel of real property, including all buildings and structures located thereon.
- (13) "Pupa" means the immature, fully aquatic stage of mosquito development immediately following the larval stage and preceding the adult form in which the insect appears as a small, wingless, worm-like shape with a greatly enlarged head. (as added by Ord. #3, June 2007)
- **20-403.** General provisions. All premises within the City of Pulaski shall be maintained in such a manner as to prevent the breeding of mosquitoes on the premises. Artificial containers, ditches, streams, flooded areas, and all other such sources of standing water or other liquid where mosquitoes are breeding, must be removed, drained, treated, altered, maintained, or otherwise eliminated by the person occupying the premises or, in the absence of an occupant, by the owner, in such a manner as to prevent the breeding of mosquitoes. Where there is evidence of mosquito breeding, effective methods of eliminating and treating mosquito breeding sources shall be instigated by the person occupying the premises, or in the absence of an occupant, by the owner, within forty-eight (48) hours after discovering or being informed of the evidence of mosquito breeding on the premises. (as added by Ord. #3, June 2007)
- **20-404.** Methods of eliminating and treating mosquito breeding sources. Breeding sources for mosquitoes shall be eliminated or treated by one or more of the following methods as shall be approved by the city of Pulaski Public Works Director.
- (1) Filling, draining, removing, or otherwise eliminating the breeding source.
- (2) Completely emptying the breeding source of all water at least every seven (7) days, or as approved by the City of Pulaski Public Works Director. Where an artificial container is a water basin (e.g. swimming pool) designed to hold water, such containers shall be maintained or altered to prevent mosquito breeding or be removed.
- (3) Treating the breeding source with an effective insecticide and/or larvicide approved by the City of Pulaski Public Works Director.

- (4) Completely emptying artificial containers of all liquid and storing in an enclosed structure which is constructed in such a manner as to prevent the permanent collection of liquid in said containers.
- (5) Maintain all natural or manmade storm or surface water drainways in a manner to prevent the ponding of water sufficient to provide breeding for mosquitoes.
- (6) Other methods proven to be effective in controlling mosquitoes and as approved by the City of Pulaski Public Works Director. (as added by Ord. #3, June 2007)
- **20-405.** <u>Right of entry-inspection</u>. The City- of Pulaski Public Works Director shall have the right of entry upon any premises where entry is necessary to carry out the provisions of this chapter. If consent for entry is not given or obtained, an administrative search and inspection warrant shall be obtained through municipal court.

However, if an imminent hazard exists, no warrant is required for entry upon the premises. (as added by Ord. #3, June 2007)

- **20-406.** <u>Penalties and remedies</u>. (1) Any person who violates any provision of this chapter shall be subject to a fine not to exceed fifty dollars (\$50.00).
- (2) The City of Pulaski Public Works Director may bring a civil proceeding in the Giles County Chancery Court to enforce the provisions of this chapter. (as added by Ord. #3, June 2007)
- **20-407.** Severability. If any provision or clause of this chapter shall be declared invalid, such declaration shall not invalidate any other provision or clause of this chapter. (as added by Ord. #3, June 2007)

ABSENTEE VOTING BY NONRESIDENT PROPERTY OWNERS

SECTION

20-501. Absentee voting by nonresident property owners.

20-501. Absentee voting by nonresident property owners. Any nonresident of the City of Pulaski, qualified and duly registered to vote in municipal elections of the City of Pulaski by virtue of the provisions of Article XI of the Pulaski Charter, may hereafter vote in such elections by absentee ballot provided the terms and conditions of <u>Tennessee Code Annotated</u>, § 2-6-205 are met by such voter. (as added by Ord. #5, 2012, Sept. 2012)

PUBLIC RECORDS

SECTION

20-601. Procedures regarding access to an inspection of public records.

- **20-601.** Procedures regarding access to an inspection of public records. (1) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Pulaski shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.
- (2) Employees of the City of Pulaski shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian.
- (3) To prevent excessive disruptions of the work, essential functions, and duties of employees of the City of Pulaski, persons requesting inspection and/or copying of public records are requested to complete a records request form to be furnished by the city. If the requesting party refuses to complete a request form, a city employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (2) above. All requests for public records shall be directed to the records custodian.
- (4) When records are requested for inspection on copying, the records custodian has up to seven (7) business days to determine whether the city can retrieve the records requested and whether the requested records contain any confidential information, and the estimated charge for copying based upon the number of copies and amount of time required. Within seven (7) business days of a request for records the records custodian shall:
 - (a) Produce the records requested;
 - (b) Deny the records in writing, giving explanation for denial;

or

- (c) In the case of voluminous requests, provide, in writing, the requestor with an estimated time frame for production and estimation of duplication costs.
- (5) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:

- (a) Standard $8\ 1/2\ x\ 11$ or $8\ 1/2\ x\ 14$ black and white copy--\$.15 per page for each produced.
- (b) Standard 8 1/2 x 11 or 8 1/2 x 14 color copy--\$.15 per page for each produced.
- (c) Accident reports--\$.15 per page for each standard $8\ 1/2 \times 11$ or $8\ 1/2 \times 14$ black and white copy produced.
- (d) Maps, plats electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.
- (6) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requestor. Employee labor in excess of one (1) hour may be charged to the requestor, in addition to the cost per copy, as provided in subsection (5). The city may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.
 - (a) For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.
 - (b) When the total number of requests made by a requestor within a calendar month exceeds four (4), the requests will be aggregated, and the requestor shall charge a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests.
- (7) If the city is assessed a charge to retrieve the requested records from archives or any other entity having possession of requested records, the records custodian may assess the requestor the cost assessed to the city.
- (8) Upon completion of a records request the requestor may pick up the copies of records at the office of the records custodian. Alternatively, the requestor may choose to have the copies of records delivered via United States Postal Service; provided that the requestor pays all related expenses in advance.

- (9) The police chief shall maintain in his office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian. Requests for personnel records, other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the police chief of such request. The police chief shall make the final determination as to the release the information requested. In the event that the police chief refuses to release the information, he shall provide a written explanation of his reasons for not releasing the information.
- (10) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (as added by Ord. #10, 2013, Dec. 2013)

ORDINANCE NO. 7, 2000

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF PULASKI TENNESSEE.

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

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

WHEREAS the Board of Mayor and Aldermen of the City of Pulaski, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Pulaski Municipal Code," now, therefore:

BE IT ENACTED BY THE BOARD OF MAYOR AND ALDERMEN OF PULASKI, TENNESSEE, THAT:

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

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

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

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

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."1

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see <u>Tennessee Code Annotated</u>, § 40-24-101 <u>et seq</u>.

workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

<u>Section 8. Construction of conflicting provisions</u>. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

<u>Section 10.</u> <u>Date of effect</u>. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading,	August 8	, 200 <u> </u>
Passed 2nd reading, _	August 22	, 200 <u>0</u> .
Passed 3rd reading,	August 22	, 2000
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