

**THE
SOUTH CARTHAGE
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

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TOWN OF SOUTH CARTHAGE, TENNESSEE

MAYOR

Jimmy S. Wheeler

ALDERMEN

Nathan E. Franklin

Larry Holland

Terry V. Hunt

Willard Lankford

RECORDER

Deborah Wheeler

PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the town agrees to 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 Linda Dean, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Sandy Selvage, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

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

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

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

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.

¹Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: title 18.

Wastewater treatment: title 18.

Zoning: title 14.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN¹

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Elections for mayor and aldermen.
- 1-105. Terms of office.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the first Thursday of each month at the city hall. (1986 Code, § 1-101)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (4) Grievances from citizens.

¹Charter references

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

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

- (5) Communications from the mayor.
- (6) Reports from committees, members of the governing body, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1986 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 1990 (9th) Edition, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1986 Code, § 1-103, modified)

1-104. Elections for mayor and aldermen. The election of public officials of the town shall be held annually on the first Thursday in August, beginning with the first Thursday in August, 1964. (1986 code, § 1-104)

1-105. Terms of office. In accordance with the provisions of Tennessee Code Annotated, § 6-3-102(b) (1), the terms of office of the board of mayor and aldermen are hereby changed from staggered two (2) year terms to staggered four (4) year terms. As required by that statute, the transition to staggered four (4) year terms shall be accomplished as follows:

(1) In the election held on the first Thursday in August, 1992, the successor to the office of the alderman from the first ward whose term expires on that date, and the successor to the office of the alderman from the second ward whose term expires on that date, shall be elected for three (3) year transitional terms of office.

(2) In the election held on the first Thursday in August, 1995, and each and every four (4) years thereafter, the successors to the offices of the aldermen elected from Ward 1 and the alderman elected from Ward 2 to the three (3) year transitional terms provided for under Section 1(a) of this section, shall be elected for four (4) year terms of office.

(3) In the election held on the first Thursday in August, 1993, and each and every four (4) years thereafter, the successor to the office of the mayor whose term expires on that date, the successor to the office of alderman from the first ward whose term expires on that date, and the successor to the office of alderman from the second ward whose term expires on that date, shall be elected for four (4) year terms of office.

(4) Terms of office shall end on the last day of August following the election wherein the mayor and/or respective aldermen are elected. (Ord. #151, _____)

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises municipality's affairs.

1-202. Executes municipality's contracts.

1-203. May appoint temporary employees.

1-201. Generally supervises municipality's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1986 Code, § 1-201)

1-202. Executes municipality's contracts. The mayor shall execute all contracts as authorized by the governing body. (1986 Code, § 1-202)

1-203. May appoint temporary employees. The mayor may appoint temporary or part time help necessary for the transaction of the town's business. He shall fix the compensation for the same. Provided, however, that said appointments shall be subject to confirmation by the governing body at the next regular meeting of said governing body or at a special meeting called at which notice of the proposed action is given. (1986 Code, § 1-203)

¹Charter references

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

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1986 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve and attest the original copy of all ordinances and resolutions. (1986 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide. (1986 Code, § 1-303)

¹Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

Recorder as judge: § 6-4-301(b)(1)(C).

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

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. City judge. There is hereby created the Office of the City Judge of the Town of South Carthage, Tennessee; said city judge shall be vested with and have the following powers and duties:

(1) The city judge shall be vested with the judicial powers and functions of the mayor or city recorder; shall be subject to and have the authority as designated by the provisions of applicable laws and the town's charter governing the city court.

(2) The city judge shall be at least twenty-five (25) years of age; shall be a person of good moral character and learned in the law.

(3) The city judge shall be appointed by a majority vote of the board of mayor and aldermen and shall serve at the pleasure of the said board. Any vacancy in the office shall be filled for the unexpired term by the board.

(4) Before entering upon the duties of city judge, the said city judge shall take the following oath of office:

"I, _____, do hereby swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the State of Tennessee; that I will administer justice without respect of persons and impartially to discharge all the duties incumbent upon me as judge to the best of my skill and ability, so help me God."

¹Charter references

City Judge--City Court: § 6-4-301.

The oath may be administered by the Governor of the State of Tennessee, a judge or chancellor of any court of record, a judge of the court of general sessions, the mayor, or any person who, by law, is authorized to administer an oath.

(5) The city judge shall not be required to give bond for the faithful performance of his duties unless required by other ordinance or statute and in the event he is so required the cost of any such bond shall be paid from the general fund of the town.

(6) The salary of the city judge shall be fixed by the board of mayor and aldermen prior to the appointment and shall not be altered during his term of office.

(7) In the event of the absence or disability of the city judge the mayor is designated to serve as judge; provided, however, the mayor may designate a person to serve. (1986 Code, § 1-501)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

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

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1986 Code, § 1-502)

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

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases. (1986 Code, § 1-508)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1986 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1986 Code, § 1-512)

¹State law reference

Tennessee Code Annotated, § 8-21-401.

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. (1986 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1986 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1986 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1986 Code, § 1-505)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1986 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1986 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine 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. (1986 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. PERSONNEL RULES AND REGULATIONS.
3. MISCELLANEOUS REGULATIONS.
4. INFECTIOUS DISEASE CONTROL POLICY.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

SOCIAL SECURITY

SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of South Carthage, Tennessee, to provide for all eligible employees and officials thereof, whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1986 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1986 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1986 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be

required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1986 Code, § 1-704)

4-105. Records and reports to be made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1986 Code, § 1-705)

CHAPTER 2

PERSONNEL RULES AND REGULATIONS

SECTION

- 4-201. Applicability of chapter.
- 4-202. Hiring procedures.
- 4-203. Salaries, etc.
- 4-204. Benefits.
- 4-205. Drug and alcohol policy.
- 4-206. Termination of employment.

4-201. Applicability of chapter. This chapter shall apply to all full time and regular part time employees unless specifically exempt.

Full-time employees are individuals employed who work forty hours per week or more and have completed any prescribed probationary period.

Part-time employees are individuals who do not work on a daily basis and whose hours cannot exceed 24 hours per week unless approved by the mayor. Provided; however, police who work part time cannot work more than twenty hours per week. (Ord. #148, _____)

4-202. Hiring procedures. (1) Recruitment. The town will employ only capable and responsible personnel who are of good character and reputation.

(2) Application process. All persons seeking appointment or employment with the town shall complete an application form as provided. Applications for employment shall be accepted in the recorder's office during regular office hours.

(3) Pre-employment medical examinations. All job offers for police officers and sanitation workers are conditioned upon passing a pre-employment medical examination which will be paid for by the city. Pre-employment medical examinations shall not be conducted on job applicants who have not been made such a conditional job offer.

(4) Interviews. All appointments are subject to an interview with the mayor and/or appropriate department head.

(5) Appointments. All full time appointments to positions shall be made by the board of mayor and aldermen.

(6) Probation. Applicants appointed to positions are required to serve a probationary period as prescribed. An employee may be terminated during this period for any reason without respect or reference to the procedures set forth in this document, the charter or other ordinances.

(7) Promotions/demotions. The board of mayor and aldermen shall make promotions or demotions of employees.

(8) Nepotism. No close relative of any city employee shall be employed. Close relative being defined as the parents, spouse, children, grandchildren, brothers, sisters or children of brothers or sisters, uncles, aunts, nephews and nieces by blood, marriage or adoption and the spouse of any of the foregoing. (Ord. #148, _____, modified)

4-203. Salaries, etc. (1) Salaries. The board of mayor and aldermen shall set by ordinance/resolution all salaries paid by the town. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of persons having the desired qualifications.

(2) Hours of work. Wage employees (non-exempt). The board of mayor and aldermen shall establish the hours of work per week for each wage employee. Employees are expected to work eight hours for eight hours pay.

(a) Absenteeism. Employees unavoidably late or absent from work due to illness or other cause must notify their supervisor within the time frame established by each department (unless unusual circumstances prevent the employee from making proper notification). Such employees must explain the reason for the absence and, if possible, an anticipated time and date of return to work. Failure to notify one's supervisor of absences may result in disciplinary action. Employees found falsifying time sheets will be subject to disciplinary action up to and including dismissal. Any employee who is absent for three days without notifying the Mayor of South Carthage shall be considered to have resigned his/her employment with the town.

(b) Tardiness. Tardiness from work is costly to the Town of South Carthage. Wage employees are paid for their time and productivity. Habitual tardiness reduces the productivity of the tardy employee as well as the productivity of other employees. The Town of South Carthage will not tolerate unreasonable tardiness. Unreasonable tardiness is being late for work three times or more during the last six months, without giving a reasonable excuse to the supervisor or mayor for the tardiness.

(3) Pay periods. Pay periods shall be as designated by the board of mayor and aldermen.

(4) Payroll deductions. Payroll deductions shall be made in accordance with the law or signed authorization by the employee for other deductions. (Ord. #148, _____, modified, as amended by Ord. #02-239, Dec. 2002)

4-204. Benefits. (1) Eligibility. All full time employees are eligible for the following benefits.

(2) Holidays. Full time employees are allowed a day off on the following holidays:

New Year's Day	Veterans Day
Presidents Day	Thanksgiving Day
Memorial Day	Christmas Day, and day after Christmas
4 th of July	(if Christmas Day falls on a Saturday,
Labor Day	get Monday off)
Employee's Birthday	

Employees must be in a pay status on the work day before and on the work day after the holiday, unless otherwise excused in order to receive compensation for the holiday.

The police schedule of holidays shall be prescribed by the chief.

(3) Vacation leave. All full time employees who have worked for the town for at least five years shall be given ten days of vacation leave with pay per year. Employees with less than five years service shall be given five days vacation leave with pay per year. Such vacation leave shall be taken at a time approved by the mayor or such other person as designated. Unused leave cannot be accumulated but may be cashed in at the end of the year.

(4) Sick leave. All full time employees shall be entitled to earn one (1) day per month to cap at 36 days. At end of accumulation total, any extra day employee will be paid for at the end of that year earned.

(5) Voting. When elections are held in the state, leave for the purpose of voting shall be in accordance with Tennessee Code Annotated, § 2-1-106.

(6) Medical insurance coverage. (a) Health coverage is provided a follows: Full time employees are eligible for medical insurance coverage after completion of their respective probation period. Beginning June 1, 2004, the town will no longer be responsible for the entire premium, but will only pay a percentage of the premium. In January and June of each year, the town will determine what percentage of the health insurance premium for coverage it will pay. Because of the annual budget and bi-annually premium increases, percentage of the town's contribution to the premium payment, shall be determined by the mayor and aldermen, as the premium rates increase and as the budget will allow. This coverage is for the employee and eligible dependents as defined in the program specification.

During the probation period the town will pay one half (½) of the coverage for the employee and eligible dependents with the employee paying one half (½) of the coverage. The town will deduct employees cost as a payroll deduction. No part time employee is eligible for insurance coverage.

After termination of employment continuation of coverage shall be as provided by law.

(b) Employees of the Town of South Carthage, who are currently enrolled in the town's group family health insurance plan are entitled to choose one of two options with respect to health insurance:

(i) Continue family health coverage under the town's group family health insurance plan, or

(ii) Decline group family health coverage and receive a health insurance cash allowance equal to one half of the family

premium per month in lieu of the town's group family health insurance;

(c) Nothing in this section requires the Town of South Carthage to provide health insurance for its employees and their dependents. The health insurance cash allowance is entirely dependent upon the town's decision to provide health insurance as a fringe benefit and upon the town's annual budget.

(7) Insurance. Workers compensation insurance will be provided. Other insurance coverage may be provided as prescribed by the board of mayor and aldermen.

(8) Uniforms. Uniforms for police are provided.

(9) Funeral/bereavement leave. Full-time employees shall be allowed 2 days of leave with pay for the death in an employee's immediate family. Immediate family shall include spouse, parents, brothers, and sisters, and children. One day of leave with pay will be allowed for the death of a sister-in-law, brother-in-law, and grandparents. Employees wishing to attend services of other relatives and non-relatives must use annual leave for this purpose. (Ord. #148, _____, as amended by Ord. #02-244, Feb. 2003; Ord. #03-245, March 2003; and Ord. #04-257, March 2004)

4-205. Drug and alcohol policy. (1) Drugs to be tested for. When drug and alcohol screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the following drug groups: (a) Alcohol (b) Amphetamines (c) Barbituates (d) Cocaine (e) Methaqualone (f) Opiates (g) Phencyclidine (h) THC (Marijuana).

(2) Job applicant testing. Applicants for the following classes will be required to undergo a drug and alcohol test upon an offer of employment and prior to final appointment; positions involving drug interdiction or positions requiring being with a firearm.

(3) Current employee testing. The city may require a current city employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. "Reasonable suspicion" is defined as an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol.

The specific facts, symptoms, or observations which formed the basis for determination that reasonable suspicion existed to warrant the testing of an employee shall be reduced to writing. This documentation shall be forwarded to the mayor.

(4) Random testing. Random drug testing may be required of law enforcement personnel, fire, rescue, positions requiring drug interdiction or safety sensitive position. Testing will be done on a random selection of dates and

employees tested. Testing may be ordered by the head of any department or the mayor.

(5) Post accident testing. Testing may be required following either vehicular or personal accidents. Testing will be done as soon as possible following the accident in accord with the town's prescribed procedures. If the employee is unconscious or rendered incoherent as a result of the accident, the testing will be performed after consultation with the attending physician. Testing may be ordered by the head of any department or the mayor.

(6) Prior notice of testing policy. The city shall provide written notice of its drug and alcohol testing policy to all employees and job applicants. The notice shall contain the following information:

- (a) The need for drug and alcohol testing;
- (b) The circumstances under which testing may be required;
- (c) The procedure for confirming an initial positive drug test result;
- (d) The consequences of a confirmed positive test result;
- (e) The consequences of refusing to undergo a drug and alcohol test;
- (f) The right to explain a positive test result and the appeal procedures available; and
- (g) The availability of drug abuse counseling and referral services.

(7) Consent. Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those city officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug testing policy and to indicate current or recent use of prescription or over-the-counter medication.

The consent form shall also set forth the following information:

- (a) The procedure for confirming an initial positive test result;
- (b) The consequences of a confirmed positive test result;
- (c) The right to explain a confirmed positive test result and the appeal procedures available; and
- (d) The consequences of refusing to undergo a drug and alcohol test.

(8) Refusal to consent. A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the city.

An employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.

(9) Confirmation of test results. An employee or job applicant whose drug test yields a positive result shall be given a second test using a gas chromatography/mass spectrometry (GC/MS) test. The second test shall use a

portion of the same test sample withdrawn from the employee or applicant for use in the first test.

If the second test confirms the positive test result, the employee or applicant shall be notified of the results in writing by the appropriate department head or designee. The letter of notification shall identify the particular substance found and its concentration level.

An employee or applicant whose second test confirms the original positive test result may, at the employee's or applicant's own expense, have a third test conducted on the same sample at a laboratory selected by the city.

(10) Consequences of a confirmed positive test result. Job applicants will be denied employment with the city if their initial positive test results have been confirmed.

If an employee's positive test results have been confirmed, the employee is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, and the existence of past disciplinary actions.

(11) Right to a hearing. If an employee's positive test result has been confirmed, the employee is entitled to a hearing before the board of mayor and aldermen, before any disciplinary action may be taken by the city. The employee must make a written request for a hearing to the mayor within five (5) days of receipt by the employee of the confirmation test results. Employees may be represented by legal counsel.

(12) Confidentiality of test results. All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory.

(13) Privacy in drug testing. Urine samples shall be provided in a private enclosure so that employees and applicants may not be viewed while providing the sample. The testing shall be concluded in accord with standards and procedures promulgated by the medical facility or laboratory selected by the city for such purposes.

(14) Laboratory testing requirements. All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the city. Factors to be considered by the city in selecting a testing facility include:

- (a) Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;

(b) Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;

(c) Chain-of-custody procedures which ensure proper identification, labeling, and handling of test samples; and

(d) Retention and storage procedures which ensure reliable results on confirmatory tests of original samples. (Ord. #148, _____, as amended by Ord. #182, _____)

4-206. Termination of employment. All employees, unless employed by written contract, are at will employees and can be terminated by the board of mayor and aldermen accordingly. However, if any statute, federal or state, provides for a discharge procedure same will be followed. (Ord. #148, _____)

CHAPTER 3

MISCELLANEOUS REGULATIONS

SECTION

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

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1986 Code, § 1-901)

4-302. Acceptance of gratuities. No town officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business. (1986 Code, § 1-902)

4-303. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1986 Code, § 1-903)

4-304. Use of municipal time, facilities, etc. No town officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the governing body has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1986 Code, § 1-904)

4-305. Use of position. No town officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the

town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1986 Code, § 1-905)

4-306. Strikes and unions. No town officer or employee shall participate in any strike against the town, 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. (1986Code, § 1-906)

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-401. Purpose.
- 4-402. Coverage.
- 4-403. Administration.
- 4-404. Definitions.
- 4-405. Policy statement.
- 4-406. General guidelines.
- 4-407. Hepatitis B vaccinations.
- 4-408. Reporting potential exposure.
- 4-409. Hepatitis B virus post-exposure management.
- 4-410. Human immunodeficiency virus post-exposure management.
- 4-411. Disability benefits.
- 4-412. Training regular employees.
- 4-413. Training high risk employees.
- 4-414. Training new employees.
- 4-415. Records and reports.
- 4-416. Legal rights of victims of communicable diseases.

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

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-402. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to infectious material from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;

- (3) Housekeeping and laundry workers;
- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-403. Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibility:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-404. Definitions. (1) "Body fluid" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

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

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include:

massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

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

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-405. Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-406. General guidelines. General guidelines which shall be used by everyone include:

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

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

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then

use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

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

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

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

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

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

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

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

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

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

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

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

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

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

All required tags shall meet the following criteria:

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

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

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

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

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

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-407. Hepatitis B vaccinations. The City of South Carthage shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-408. Reporting potential exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them

at risk for HIV or HBV infections (i.e. needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth etc.):

- (1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.
- (2) Complete the appropriate accident reports and any other specific form required.
- (3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-409. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

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

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-410. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-411. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A. 50-6-303. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-412. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious material. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-413. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated as per this policy. (Ord. #99-214, Dec. 1999)

4-414. Training new employees. During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-415. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

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

(3) Prescription medication. The use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries and must be reported.

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

4-416. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

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

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

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

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

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

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

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

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

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

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

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to disciplinary action and/or civil/and/or criminal prosecution. (Ord. #154, June 1992, as replaced by Ord. #99-214, Dec. 1999)

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-501. Title.

4-502. Purpose.

4-503. Coverage.

4-504. Administration.

4-501. Title. This section shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the Town of South Carthage. (as added by Ord. #99-234, Dec. 2001)

4-502. Purpose. The Town of South Carthage, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor 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.
- (3) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this program. (as added by Ord. #99-234, Dec. 2001)

4-503. Coverage. The provisions of the occupational safety and health program for the employees of the Town of South Carthage shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of South Carthage whether part-time or full-time, seasonal or permanent.

(1) Standards authorized. The occupational safety and health standards adopted by the Town of South Carthage 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 (Tennessee Code Annotated, Title 50, Chapter 3).

(2) Variances from standards authorized. The Town of South Carthage may, upon written application to the Commissioner of Labor of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of

Tennessee Department of Labor, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, Title 50. Prior to requesting such temporary variance, the Town of South Carthage shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the Town of South Carthage shall be deemed sufficient notice to employees. (as added by Ord. #99-234, Dec. 2001)

4-504. Administration. (1) For the purposes of this chapter. Mayor Jimmy Wheeler is designated as the Director of Occupational Safety and Health to perform duties and to exercise powers assigned so as to plan, develop, and administer training and monitoring of the safety program. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan.

(2) Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Town of South Carthage. (as added by Ord. #99-234, Dec. 2001)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for town funds.

5-101. Official depository for town funds. The Smith County Bank and the Citizens Bank of Carthage, Tennessee, are hereby designated as the official depositories for all municipal funds. (1986 Code, § 6-101)

¹Charter references

For specific charter provisions on depositories of municipal funds, see Tennessee Code Annotated, § 6-4-402.

CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES

SECTION

5-201. When due and payable.

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

5-201. When due and payable.¹ Taxes levied by the municipality against real and personal property shall become due and payable annually on the first day of December of the year for which levied. (1986 Code, § 6-201)

5-202. When delinquent--penalty and interest.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.³ (1986 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 Tennessee Code Annotated,

(continued...)

CHAPTER 3**PRIVILEGE TAXES****SECTION**

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the municipality at the rates and in the manner prescribed by the act. (1986 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the municipality without a currently effective privilege license, which shall be issued by the mayor to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1986 Code, § 6-302)

(...continued)

§ 67-5-2005.

CHAPTER 4**WHOLESALE BEER TAX****SECTION**

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1986 Code, § 6-401)

¹State law reference

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

TITLE 6**LAW ENFORCEMENT****CHAPTER**

1. POLICE AND ARREST.
2. WORKHOUSE.

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. Policemen to wear uniforms and be armed.
- 6-104. Armored jackets.
- 6-105. When policemen to make arrests.
- 6-106. Policemen may require assistance in making arrests.
- 6-107. Disposition of persons arrested.
- 6-108. Police department records.
- 6-109. Police policy.

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. (1986 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1986 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless

¹Municipal code reference

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

Police committee: title 20, chapter 1.

Local government emergency assistance: title 20.

otherwise expressly directed by the chief for a special assignment. (1986 Code, § 1-403)

6-104. Armored jackets. The town shall provide all full time policemen with armored jackets, which shall be worn by the officer at all times while on duty. Violation of this section on first offense shall result in suspension without pay of three (3) days. Violation on second offense shall result in suspension without pay of seven (7) days. Any subsequent violation shall result in suspension and/or dismissal. (Ord. #164, ____)

6-105. When policemen to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1986 Code, § 1-404)

6-106. Policemen may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary. (1986 Code, § 1-405)

6-107. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1986 Code, § 1-406)

6-108. 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. (1986 Code, § 1-407)

6-109. Police policy. The board of mayor and aldermen reserve unto themselves the authority to enact a policy manual for the police department, which shall contain directives and statement of policy which shall govern the authority and activities of the police department and the personnel assigned therein. Any policy so approved shall be adopted and incorporated herein by reference. (Ord. #____, Jan. 1988)

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

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1986 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1986 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines and costs assessed against him. (1986 Code, § 1-603)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.
5. OPEN BURNING.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all the property within the corporate limits which is zoned for business use. (1986 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

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

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,² 1997 edition, as recommended by the Southern Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the town recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #127, Nov. 1989, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1986 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of South Carthage, Tennessee. (1986 Code, § 7-203)

¹Municipal code reference

Building, utility and housing codes: title 12.

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

7-204. Storage of explosives, flammable liquids, etc. (1) The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

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

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

(4) The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (1986 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the business and commercial districts or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1986 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1986 Code, § 7-206)

7-207. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1986 Code, § 7-207)

CHAPTER 3

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. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the governing body and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1986 Code, § 7-301)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1986 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. (1986 Code, § 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel,

¹Municipal code reference

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

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. (1986 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall be appointed by the governing body on an annual basis and shall serve at the pleasure of the governing body. So that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1986 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1986 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1986 Code, § 7-308)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

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

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on town property or, in the opinion of the mayor or chief of the fire department, is in such hazardous proximity to property owned by or located within the town as to endanger the town property or pursuant to the town's local government emergency assistance policy.¹ (1986 Code, § 7-307, modified)

¹Municipal code reference

Local government emergency assistance: title 20.

CHAPTER 5

OPEN BURNING

SECTION

7-501. Compliance with chapter.

7-502. Permit required, etc.

7-503. Exemptions.

7-504. Violation and penalty.

7-501. Compliance with chapter. Prior to any open burning, except as hereinafter exempted, of rubbish, trash or any combustible item, the person intending to do so shall comply with the standard fire prevention code adopted and incorporated by reference in § 7-201 of the South Carthage Municipal Code and with this chapter. (Ord. #179, April 1994)

7-502. Permit required, etc. (1) The person intending to so act shall apply to the city recorder for a permit, which shall be issued without charge. Upon the application being filed the fire chief, or in his absence the assistant fire chief or the chief of police, shall determine whether the permit should be granted and if granted upon what terms or conditions same should be granted.

(2) The person to whom the permit is issued shall be the person responsible for any consequences of action for any damages, injuries or claims resulting from such burning or for responsibility of obtaining any other permit that may be required.

(3) The fire chief shall be responsible for the development of a permit and the recorder for the filing of same. All permits shall be issued in duplicate. (Ord. #179, April 1994)

7-503. Exemptions. The following type of outdoor fires are exempt from the permit process:

- (1) Contained cooking fires;
- (2) Fire in outdoor fire pits or fireplaces;
- (3) For strictly informal social and recreational purposes but not for any commercial purposes;
- (4) Open fires for the training and instruction of fire fighting personnel;
- (5) Heating on construction projects provided the burning is in a suitable metal container and only untreated wood is burned. (Ord. #179, April 1994)

7-504. Violation and penalty. Violation of this chapter shall constitute a civil offense and shall be punishable by penalty of not less than \$2.00 nor more than \$50.00. Each separate occurrence shall constitute a separate offense. (Ord. #179, April 1994)

TITLE 8**ALCOHOLIC BEVERAGES¹****CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1**INTOXICATING LIQUORS****SECTION**

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he is lawfully acting pursuant to applicable laws² and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this town. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1986 Code, § 2-101)

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2**BEER¹****SECTION**

- 8-201. Business 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. Requirements 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.
- 8-211. Beer permits shall be restrictive.
- 8-212. Permits not transferable.
- 8-213. Display of permit.
- 8-214. Issuance of permits to aliens prohibited.
- 8-215. Interference with public health, safety, and morals prohibited.
- 8-216. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-217. Issuance of permits to hotels, clubs, etc.
- 8-218. Retail premises restrictions re frontage, curtains, blinds, etc.; exceptions.
- 8-219. Sanitation for premises covered by on premises permit.
- 8-220. Minor, fraudulent evidence of age, etc., misdemeanor.
- 8-221. Prohibited conduct or activities by beer permit holders.
- 8-222. Suspension and revocation of beer permits.
- 8-223. Applicant fee.
- 8-224. Privilege tax.
- 8-225. Bond required.
- 8-226. Penalty for violations.
- 8-227. Employees liable for violations.
- 8-228. Civil penalty in lieu of suspension.

¹State law reference

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

8-201. Business lawful but subject to regulation. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive or manufacture beer of an 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 Town of South Carthage subject to all of the regulations, limitations and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or boards. (1986 Code, § 2-201)

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 percent (5%) by weight. (1986 Code, § 2-202)

8-203. Beer board established. There is hereby established a beer board to be composed of all the members of the governing body. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. (1986 Code, § 2-203)

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 when there is business to come before the beer board. A special meeting may be called by the chairman, provided he gives a reasonable notice thereof to each member. (1986 Code, § 2-204)

8-205. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. The recorder shall also maintain an up-to-date list of the names and addresses of all beer permit holders. (1986 Code, § 2-205)

8-206. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1986 Code, § 2-206)

8-207. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this town in accordance with the provisions of this chapter. (1986 Code, § 2-207)

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 percent (5%) by weight, or other beverages of like alcoholic content within the corporate limits of the Town of South Carthage, until he shall receive a permit to do so from the beer board of the Town of South Carthage, which permit shall at all times be subject to all 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. (1986 Code, § 2-208)

8-209. Restrictions upon granting permits. (1) No permit shall be issued to sell any beverage coming within the provisions of this chapter:

- (a) In violation of any provisions of the state law.
- (b) In violation of the Zoning Ordinance of the Town of South Carthage.
- (c) Within five hundred (500) feet of a church or school, front door to front door measured on a straight line, unless the permittee was there before the church or school.

(2) The judgment of the beer board on such matters shall be final except as same is subject to review at law under Tennessee Code Annotated § 57-5-105. (1986 Code, § 2-209, as amended by Ord. #159, _____; and Ord. #169, Aug. 1993)

8-210. Application for retail permit; requirements as to applicants; regulations to be followed. (1) Each application for a beer permit shall reflect:

- (a) That the applicant is a citizen of the United States, or if a syndicate or association, that all the members thereof are citizens of the United States.
- (b) That the applicant has been a resident citizen of Smith County for at least the twelve (12) month period immediately preceding the date of his application. Provided, however, that this residence restriction shall not apply to honorably discharged veterans of the Armed Forces of the United States who were residents of Smith County prior to their entry into the armed forces.
- (c) Name of the applicant.
- (d) Name of the applicant's business.

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

(f) The owner or owners of such premises.

(g) The names and addresses of all other persons or firms who have any financial interests whatsoever in the beer business proposed to be established.

(h) Whether the applicant will operate the business in person or by agent and, if by agent, the name and address of such agent.

(2) No person will be employed in the storage, sale, or manufacture of such beverages except those who are citizens of the United States.

(3) 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.

(4) No sale of such beverages will be made except in accordance with the permit granted.

(5) If the application is for a permit to sell, not for consumption on the premises, that no sale of beer will be made for consumption on the premises and no consumption will be allowed on the premises.

(6) No sale will be made to minors, and the applicant will not permit minors or disreputable persons to loiter around the place of business.

(7) The applicant will not allow any liquor with an alcoholic content greater than five percent (5%) to be consumed on the premises.

(8) 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 § 8-219.

(9) The applicant shall be submitted to the city recorder at least fifteen (15) days prior to the beer board meeting at which it is to be considered. The recorder shall, within five (5) days after receipt of an application, notify each member of the beer board of such application.

(10) 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. (1986 Code, § 2-210, as amended by Ord. #168, Aug. 1993)

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, storing, distributing, and manufacturing. 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. (1986 Code, § 2-211)

8-212. Permits not transferable. 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. (1986 Code, § 8-212)

8-213. Display of permit. 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. (1986 Code, § 2-213)

8-214. Issuance of permits to aliens prohibited. No permit to engage in the beer business shall be granted by the beer board to any person not a citizen of the United States nor to any syndicate or association unless all of the members thereof are citizens of the United States. (1986 Code, § 2-214)

8-215. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. (1986 Code, § 2-215)

8-216. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (1986 Code, § 2-216)

8-217. 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, or 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. (1986 Code, § 2-217)

8-218. Retail premises restrictions re frontage, curtains, blinds, etc.; exceptions. No permit to sell beer at retail shall be issued for the operation of any place except one with enough of the front enclosed in glass and of such design that the interior can be easily seen from the sidewalk or street in front of such place. No curtains, drapes, shades, blinds, screens or other thing

shall be used in the front of any place that hinders a clear and unobstructed view of the interior of such place from the sidewalk or street in front of such place. (1986 Code, § 2-218)

8-219. Sanitation for premises covered by on premises permit.

Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary condition. The city health officer or any properly authorized person is hereby authorized to enter the premises at all reasonable hours, for the making of such inspections as may be necessary. The determination of the sanitary conditions is solely a question for the Town of South Carthage. (1986 Code, § 2-219)

8-220. Minor, fraudulent evidence of age, etc., misdemeanor.

Except as authorized by the state law, it shall be unlawful for any person under age twenty-one (21) to purchase, attempt to purchase or to possess any such beverage covered under this chapter or for anyone to purchase such beverage for such a person. It shall be unlawful for any person under age twenty-one (21) to present or offer to 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 person who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall, upon conviction, be subject to a fine under the general penalty clause for this municipal code; if seventeen (17) years of age, or less, he shall be taken before the juvenile judge for appropriate disposition. (1986 Code, § 2-220)

8-221. Prohibited conduct or activities by beer permit holders.

It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

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

(3) Make or allow any sale of beer between the hours of 12:00 midnight and 6:00 A.M. during any night of the week days; or Sundays between the hours of 12 midnight and 12 noon; from 6:00 P.M. Sunday until 12 midnight; from 12 midnight until 7:00 P.M. on National Election Day, County Election Day, and City Election Day and at any time on Christmas Day.

All coolers, display cases, dispensers or other fixtures containing beer for sale shall either be locked or covered in such manner that the customer cannot serve himself to beer on Sunday between 12 midnight and 12 noon. However,

nothing contained in this paragraph shall relieve the holder of the permit from responsibility hereunder.

(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, except as authorized by state law.

(6) Allow any minor under twenty-one (21) 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 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.

(10) Allow dancing on his premises specified in the license application unless he pays a \$100.00 annual inspection fee and provides at least 750 square feet of floor space for such dancing.

(11) Allow pool or billiard playing in the same room where beer is sold and/or consumed. Beer may be sold in a pool room only if a partition or wall separates the place of sale from the pool room.

(12) Fail to provide and maintain separate sanitary toilet facilities for men and women, provided, however, that establishments which hold a permit for off premises consumption only shall be required to provide only one sanitary toilet facility. (1986 Code, § 2-221)

8-222. Suspension and revocation of beer permits. 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 this chapter.

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 permit shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated 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. 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 court as provided in the state beer act. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one (1) year from the date said revocation becomes final. (1986 Code, § 2-222)

8-223. Applicant fee. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the Town of South Carthage. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #170, Oct. 1993)

8-224. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, to the Town of South Carthage, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #170, Oct. 1993, modified)

8-225. Bond required. Every person, firm, corporation or association, before being issued a license to sell at retail within the corporate limits of the City of South Carthage, any such beverage permitted to be sold hereunder, shall make and deliver to the county court clerk, who shall be entitled to demand and receive for the county a two dollar (\$2.00) fee therefor, a joint and several bond in the penalty of five hundred dollars (\$500.00) payable to the State of Tennessee, said bond to be signed by some solvent surety company authorized to carry on a general surety business within the State of Tennessee, or by solvent personal surety not in any way engaged in the beer business, and

conditioned that the principal thereof will pay any fine which may be assessed against such principal by any court of competent jurisdiction for any violation of the provisions of this chapter. (1986 Code, § 2-224)

8-226. Penalty for violations. Each day's violation of each or any provision of this chapter by any permit holder, or each sale made in violation of any provision of this chapter shall constitute a separate offense which shall be punishable under the general penalty clause for this municipal code or by suspension or revocation of the permit issued hereunder, or by such fine and suspension or revocation. (1986 Code, § 2-225)

8-227. Employees liable for violations. Any employee of the permittee who violates any provision of this chapter or any provision of the state beer act while so employed by such permittee shall be punishable under the general penalty clause for this code. (1986 Code, § 2-226)

8-228. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 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 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. (Ord. #170, Oct. 1993, modified)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. CABLE TELEVISION.
7. MASSAGE BUSINESS ORDINANCE.
8. WRECKER SERVICE STANDARDS POLICY.
9. EPHEDRINE AND EPHEDRINE RELATED PRODUCTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. "Going out of business" sales.
9-102. License required for liquidation sales.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1986 Code, § 5-101)

9-102. License required for liquidation sales. No person, firm, or corporation shall publish or conduct any sale of the type defined in Tennessee Code Annotated, § 6-55-401, without first obtaining a license from the recorder

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

Change 3, October 7, 2004

9-2

and complying in all respects with title 6, chapter 55, part 4, of the Tennessee Code Annotated. (1986 Code, § 5-102)

CHAPTER 2**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.

9-201. 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. (1986 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. (1986 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.
- (3) A brief description of the nature of the business and the goods to be sold.

¹Municipal code references
Privilege taxes: title 5.

(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. (1986 Code, § 5-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the 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. (1986 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. (1986 Code, § 5-205)

9-206. Bond. 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. 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. (1986 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. (1986 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1986 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1986 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. (1986 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. (1986 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. (1986 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. (1986 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.

9-301. 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. (1986 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.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1986 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. (1986 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. (1986 Code, § 5-304)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Inspection of vehicles.
- 9-408. License and permit required for drivers.
- 9-409. Qualifications for driver's permit.
- 9-410. Revocation or suspension of driver's permit.
- 9-411. Drivers not to solicit business.
- 9-412. Parking restricted.
- 9-413. Drivers to use direct routes.
- 9-414. Taxicabs not to be used for illegal purposes.
- 9-415. Miscellaneous prohibited conduct by drivers.
- 9-416. Transportation of more than one passenger at the same time.
- 9-417. Fares.

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1986 Code, § 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab

¹Municipal code reference
Privilege taxes: title 5.

service; present the application to the governing body; and make a recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the governing body shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1986 Code, § 5-402)

9-403. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be canceled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1986 Code, § 5-403)

9-404. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1986 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the town unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1986 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day.

At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1986 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police, or his designated representative, to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1986 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the recorder. (1986 Code, § 5-408)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the recorder:

- (1) Makes written application to the recorder.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1986 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1986 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1986 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1986 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1986 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1986 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1986 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1986 Code, § 5-416)

9-417. Fares. The mayor and board of aldermen shall reserve unto themselves the right to set the charge for transporting passengers within the corporate limits. The failure to exercise this right shall not be deemed a waiver thereof. (1986 Code, § 5-417)

CHAPTER 5

POOL ROOMS¹

SECTION

9-501. Prohibited in residential areas.

9-502. Hours of operation regulated.

9-503. Minors to be kept out; exception.

9-501. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1986 Code, § 5-501)

9-502. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1986 Code, § 5-502)

9-503. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the parents are dead, then the guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1986 Code, § 5-503)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television service shall be furnished to the Town of South Carthage and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of South Carthage and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #193 dated November 7, 1996 in the office of the city recorder.

CHAPTER 7

MESSAGE BUSINESS ORDINANCE

SECTION

- 9-701. Title.
- 9-702. Definitions.
- 9-703. Permit required.
- 9-704. Application for massage business permit.
- 9-705. Application for masseur's permit.
- 9-706. Approval by police chief.
- 9-707. Issuance or denial of massage business permit.
- 9-708. Issuance or denial of masseur's permit.
- 9-709. Display of permits.
- 9-710. Massage business permit fee.
- 9-711. Masseur's permit fee.
- 9-712. Renewal of permit.
- 9-713. Revocation or suspension of permit.
- 9-714. Appeal.
- 9-715. Keeping of records.
- 9-716. Transfers prohibited.
- 9-717. Notification of changes.
- 9-718. Sanitation and safety requirements.
- 9-719. Advertising.
- 9-720. Supervision.
- 9-721. Treatment or massage given to person of opposite sex prohibited.
- 9-722. Persons under age eighteen prohibited on the premises.
- 9-723. Alcoholic beverages prohibited on the premises.
- 9-724. Employment of masseurs.
- 9-725. Cost of inspection.
- 9-726. Inspection required.
- 9-727. Rules and regulations.
- 9-728. Exceptions.

9-701. Title. This chapter shall be known as the Town of South Carthage Massage Business Ordinance. (1986 Code, § 5-601)

9-702. Definitions. (1) Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

(2) "Employee" means any person over eighteen years of age, other than a masseur, who renders any service in connection with the operation of a massage business.

(3) "Massage" means any method of treating the superficial parts of a patron for medical, hygienic, exercise, or relaxation purposes by stimulating with the hands or any instrument, or by the application of air, liquid, or vapor baths of any kind whatever.

(4) "Masseur" means any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

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

(6) "Recognized school" means any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study of not less than one hundred hours before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, and which school has been approved pursuant to the education code of this state.

(7) The use of the masculine gender shall include in all cases the feminine gender as well. (1986 Code, § 5-602)

9-703. Permit required. (1) Business permit required. No person shall engage in or carry on the business of massage unless he has a valid and subsisting massage business permit issued by the town pursuant to the provisions of this chapter for each and every separate office or place of business conducted by such person.

(2) Masseur's permit required. No person shall practice massage as a masseur, employee, or otherwise unless he has a valid and subsisting masseur's permit issued to him by the town pursuant to the provisions of this chapter. (1986 Code, § 5-603)

9-704. Application for massage business permit. Any person desiring a massage business permit shall file a written application with the city recorder's office on a form to be furnished by the town. The applicant shall accompany the application with a tender of the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

(1) The name, style, and designation under which the business or practice is to be conducted;

(2) The type of ownership of the business;

(3) The business address and all telephone numbers where the business is to be conducted;

(4) A complete list of the names, residence addresses, and social security numbers of all masseurs and employees in the business and the name, residence address and social security number of the manager or other person principally in charge of the operation of the business;

(5) The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than five percent of the stock of the corporation; each officer and each director, if the applicant be a corporation; and concerning the partners, including limited partners, if the applicant be a partnership; and concerning the manager or other person principally in charge of the operation of the business.

(a) Name, complete residence address, residence telephone numbers and social security number.

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

(c) Certified copy of birth certificate.

(d) Height, weight, color of hair and eyes, and sex.

(e) Two front face portrait photographs taken within thirty days of the date of the application and at least two inches by two inches in size.

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

(g) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, and the offense for which convicted and the circumstances thereof.

(h) A complete set of fingerprints taken and to be retained on file by the town.

(i) Diploma, certificate, or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage business.

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

(7) The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

(8) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the town. (1986 Code, § 5-604)

9-705. Application for masseur's permit. Any person desiring a masseur's permit shall file a written application with the city recorder's office on a form to be furnished by the town. The applicant shall tender with the application the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

- (1) The business address and all telephone numbers where the massage is to be practiced.
- (2) The following personal information concerning the applicant:
 - (a) Name, complete residence address, residence telephone numbers and social security number.
 - (b) The two previous addresses immediately prior to the present address of the applicant.
 - (c) Certified copy of birth certificate.
 - (d) Height, weight, color of hair and eyes, and sex.
 - (e) Two front face portrait photographs taken within thirty days of the date of application and at least two inches by two inches in size.
 - (f) The massage or similar business history and experience, including but not limited to whether or not such person in previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.
 - (g) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, and the offense for which convicted and the circumstances thereof.
 - (h) A complete set of fingerprints taken and to be retained on file by the town.
 - (i) Diploma, certificate, or other written proof of graduation from a recognized school where the theory, method, profession or work of massage is taught.
 - (j) A statement in writing from a licensed physician in the state that he has examined the applicant and believes the applicant to be free of all communicable diseases.
- (3) Authorization for the town, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
- (4) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being dully dated and signed in the town. (1986 Code, § 5-605)

9-706. Approval by police chief. Upon receiving the application for a massage business or masseur's permit, the police chief of the town shall conduct an investigation into the applicant's moral character and personal and criminal history. The police chief may, in his discretion, require a personal interview of the applicant, and such further information, identification and physical examination of the person as shall bear on the investigation.

In the case of applications for massage business permits, the police chief shall cause to be conducted an investigation of the premises where the massage business is to be carried on, for the purposes of assuring that such premises

comply with all the sanitation requirements as set forth in this chapter and with the regulations of public health, safety, welfare and zoning as set forth in this code and state law.

No massage business permit shall be issued where the location of same will be within 2,000 feet of a church, school, or residence.

Before any permit shall issue under this chapter, the police chief shall first sign his approval of the application. (1986 Code, § 5-606)

9-707. Issuance or denial of massage business permit. (1) The police chief shall issue a massage business permit within sixty days of filing of the application with the city recorder unless he finds that:

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

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

(c) The applicant, if an individual; or any of the stockholders holding more than five percent of the stock of the corporation, any of the officers and directors, if the applicant be a corporation; or any of the partners, including limited partners, if the applicant be a partnership; and the manager or other person principally in charge of the operation of the business, have

(i) Been convicted of any crime involving dishonesty, fraud, or deceit, unless such conviction occurred at least ten years prior to the date of the application, or,

(ii) Been convicted of any offense constituting a felony under the criminal code statutes of this state, unless such conviction occurred at least ten years prior to the date of the application and the applicant has not had subsequent convictions of any nature in any court of competent jurisdiction including subsequent misdemeanor convictions for crimes under the criminal statutes of this state.

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

(e) The applicant has had a massage business, masseur, or other similar permit license denied, revoked, or suspended for any of the above causes by the city or any other state or local agency within ten years prior to the date of the application;

(f) The applicant, if an individual, or any of the officers and directors, if the applicant be a corporation; or any of the partners, including limited partners, if the applicant be a partnership; and the

manager or other person principally in charge of the operation of the business, is not over the age of eighteen years; and

(g) The manager or other person principally in charge of the operation of the business has not successfully completed a resident course of study or learning of not less than one hundred hours from a recognized school where the theory, method, profession, or work of massage is taught;

(2) The police chief, upon denying an application, shall state his reasons in writing, specifying the particular grounds for such denial. (1986 Code, § 5-607)

9-708. Issuance or denial of masseur's permit. The police chief shall issue a masseur's permit within sixty days of receipt of the application unless he finds that:

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

(2) The applicant has:

(a) Been convicted of any crime involving dishonesty, fraud, or deceit, unless such act occurred at least ten years prior to the date of the application, or,

(b) Been convicted of any offense constituting a felony under the criminal code statutes of this state, unless such conviction occurred at least ten years prior to the date of the application and the applicant has had no subsequent convictions of any nature in any court of competent jurisdiction including subsequent misdemeanor convictions for crimes under the criminal statutes of this state.

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

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

(5) The applicant is not over the age of eighteen years; and

(6) The applicant has not successfully completed a resident course of study or learning of not less than one hundred hours from a recognized school where the theory, method, profession or work of massage is taught.

(7) The applicant is not free from all communicable diseases. (1986 Code, § 5-608)

9-709. Display of permits. The massage business permittee shall display his permit, and that of each and every masseur employed in the establishment, in an open and conspicuous place on the premises of the massage business. (1986 Code, § 5-609)

9-710. Massage business permit fee. The permit fee for a massage business shall be five hundred and no/100 dollars (\$500.00) per year or any part thereof. (1986 Code, § 5-610)

9-711. Masseur's permit fee. The permit fee for masseurs shall be one hundred and no/100 dollars (\$100.00) per year or any part thereof. (1986 Code, § 5-611)

9-712. Renewal of permit. Each permit shall expire on January 1 of each year. Permits may be renewed upon new applications filed as per § 9-704 and § 9-705 herein.

In processing a renewal application, the police chief shall be entitled to consider all elements of his previous examination in addition to such other examinations as he may deem necessary. (1986 Code, § 5-612)

9-713. Revocation or suspension of permit. Any massage business or masseur's permit issued under this chapter shall be subject to suspension or revocation by the police chief for violation of any provision of this chapter, or for any grounds that would warrant the denial of issuance of such permit in the first place. The chief, upon such revocation or suspension, shall state his reasons in writing, specifying the particular grounds for such revocation or suspension. (1986 Code, § 5-613)

9-714. Appeal. Any applicant or holder of a permit issued under the provisions of this chapter, which application or permit has been denied, revoked, or suspended by order of the police chief, shall have the right to appeal such order of denial, revocation or suspension to the town council within ten days after the date on which such order is hand delivered to the applicant or permittee, or deposited in the United States mail, postage prepaid, addressed to the applicant or permittee with a return receipt requested. Neither return of the requested receipt nor receipt by any particular person shall be deemed necessary nor affect the ten-day period within which the applicant or permittee shall have the right to appeal.

An appeal shall be made by filing a notice of appeal within the said ten-day period with the city recorder. The perfecting of such appeal shall not suspend the order of denial, revocation or suspension of such permit. Said appeal shall be heard by the council within a reasonable time from and after the date of filing thereof. The council shall conduct a hearing, written notice of the time, place, and grounds thereof being mailed to the applicant or permittee not less than ten days prior to the said hearing, unless timely notice be waived by the applicant or permittee. The strict rules of evidence shall not apply, but the applicant or permittee shall have the right to the assistance of counsel and to the reasonable presentation of witnesses and evidence. The council shall make its order affirming or overruling the denial, revocation or suspension of such

permit within ten days from and after the date on which the hearing on said appeal is concluded. Appeal from the decision of the council shall be to the Chancery Court of Smith County. (1986 Code, § 5-614)

9-715. Keeping up records. Every person who operates a massage business or practices or provides a massage shall at all times keep an appointment book in which the name and address of each and every patron shall be entered, together with the time, date and place of service, and the service provided. Such appointment book shall be available at all times for inspection by the police chief or his authorized representatives. (1986 Code, § 5-615)

9-716. Transfers prohibited. No massage business and masseur permits are transferrable, separate or divisible, and such authority as a permit confers shall be conferred only on the permittee name therein. (1986 Code, § 5-616)

9-717. Notification of changes. Every massage business permittee shall report immediately to the city recorder any and all changes of ownership or management of the massage business, including but not limited to changes of manager or other person principally in charge, stockholders holding more than five percent of the stock of the corporation, officers, directors and partners; any and all changes of name, style or designation under which the business is to be conducted; any and all changes of business address or telephone numbers where the business is to be conducted; and any and all changes or transfers of masseurs employed in the business whether by new or renewed employment, discharge or termination, or otherwise.

Every masseur shall report immediately to the city recorder any and all changes of employment, whether by new or renewed employment, discharge or termination, or otherwise, giving the name and address of the former employer, if any, and the name and address of the new employer, if any. (1986 Code, § 5-617)

9-718. Sanitation and safety requirements. All premises used by permittees hereunder shall be periodically inspected by the police chief or his authorized representatives for safety of the structure and adequacy of plumbing, ventilation, heating and illumination. The walls shall be clean and painted with washable, mold resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt, or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Towels, linen, and items for personal use of operators and patients shall be clean and freshly laundered. Towels, cloths, and sheets shall not be used for more than one patron. Heavy white paper may be substituted for sheets provided that such paper is changed for every patron. No massage service or practice shall be carried on within any cubicle, room, booth, or any area

within a massage establishment which is fitted with a door capable of being locked. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof. (1986 Code, § 5-618)

9-719. Advertising. No person shall publish, or distribute, or cause to be published or distributed, any advertising matter or business identification card that states or depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than a massage as defined in § 9-702. (1986 Code, § 5-619)

9-720. Supervision. A permittee shall have the premises supervised at all times when open for business. Any business rendering massage services shall have one person who qualifies as a masseur on the premises at all times while the establishment is open. The permittee shall personally supervise the business, and shall not violate, or permit others to violate, any applicable provision of this chapter. The violation of any such provision by any agent or employee of the permittee shall constitute a violation by the permittee. (1986 Code, § 5-620)

9-721. Treatment or massage given to person of opposite sex prohibited. No person giving a massage as defined herein shall perform such service or give such treatment to a person of the opposite sex. (1986 Code, § 5-621)

9-722. Persons under age eighteen prohibited on the premises. No person shall permit any person under the age of eighteen years to come or remain on the premises of any massage business establishment, as masseur, employee, or patron. (1986 Code, § 5-622)

9-723. Alcoholic beverages prohibited on the premises. No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided, or kept, any alcoholic beverage on the premises of any massage business. (1986 Code, § 5-623)

9-724. Employment of masseurs. No person shall employ as a masseur any person unless said employee has obtained and has in effect a permit issued pursuant to this chapter. (1986 Code, § 5-624)

9-725. Cost of inspection. In the event the chief of police shall deny any permit required under this chapter, such portion of any fee required shall be retained by the town as may be reasonably necessary to help defray the expense of investigation, inspection, etc. (1986 Code, § 5-625)

9-726. Inspection required. The police chief or his authorized representatives shall from time to time make inspection of each massage business establishment for the purposes of determining that the provisions of this chapter are fully complied with. (1986 Code, § 5-626)

9-727. Rules and regulations. The police chief or his authorized representatives may make and enforce reasonable rules and regulations not in conflict with but to carry on the intent of this chapter. (1986 Code, § 5-627)

9-728. Exceptions. The provisions of this chapter shall not apply to hospitals, nursing homes, sanitarium, or persons holding an unrevoked certificate to practice the healing arts under the laws of the state, or persons working under the direction of any such persons or in any such establishment, nor shall this chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state. (1986 Code, § 5-628)

CHAPTER 8

WRECKER SERVICE STANDARDS POLICY

SECTION

- 9-801. Purpose.
- 9-802. Policy.
- 9-803. Call lists.
- 9-804. Applications.
- 9-805. Annual renewal.
- 9-806. Inspection.
- 9-807. Equipment.
- 9-808. Classification of wreckers.
- 9-809. Storage facilities.
- 9-810. Services and procedures.
- 9-811. General regulations.

9-801. Purpose. The purpose of this chapter is to establish policy, procedures, and regulations for members of the Town of South Carthage concerning wrecker service. (Ord. #115, Oct. 1988)

9-802. Policy. It is the policy of the Town of South Carthage to utilize only those wrecker services whose equipment, procedures and services conform to the following rules and regulations. The chief of police and mayor shall be the final authority in all policies, procedures, and regulations governed by this order. (Ord. #115, Oct. 1988)

9-803. Call lists. The chief of police or mayor shall maintain a call list for each wrecker class. (A, B, C, & D).

(1) Class "B" wreckers may be listed on both "A" and "B" class list upon request.

(2) Class "C" wreckers may be listed on all three (3) lists (A, B, & C) upon request if the wrecker meets the standards for that class.

(3) Class "D" vehicles will be listed only as a Class "D." Class "D" vehicles can not be substituted for a Class "A" wrecker except in special cases or owner's request (G.O. 465, III, E.). (Ord. #115, Oct. 1988)

9-804. Applications. (1) Wrecker service proprietors wishing to have their service included on the call list shall be established within the corporation limits of South Carthage.

(2) Any wrecker service utilized by the Town of South Carthage shall be properly licensed and insured.

(3) Wrecker service owners with a felony record will not be allowed on the Town of South Carthage call list.

(4) All wrecker and storage facilities shall be inspected by the department and a certificate of insurance filed before being placed on the Town of South Carthage call list.

(5) Insurance must be sufficient to compensate for any loss of or damage to property entrusted to the wrecker service.

(a) Minimum vehicle liability amounts.

(i) Class A and D \$300,000.

(ii) Class B \$500,000.

(iii) Class C \$750,000.

(b) Garage keepers liability--to cover loss by fire, theft, etc.

(6) Wrecker service operators shall have insurance agents submit a certificate of coverage to the Town of South Carthage. (Ord. #115, Oct. 1988)

9-805. Annual renewal. (1) Certificates of insurance must be submitted to the Town of South Carthage prior to the renewal date.

(2) Insurance carriers shall notify the Town of South Carthage immediately if a policy is canceled.

(3) The owner of the wrecker service shall make written notification of any changes in insurance coverage (i.e., changing companies, vehicles, etc.), to the Town of South Carthage within ten (10) days prior to the change. (Ord. #115, Oct. 1988)

9-806. Inspection. (1) The Town of South Carthage shall insure that all wreckers and storage facilities are inspected annually prior to expiration of insurance certificates. This inspection shall include the checking of equipment, insurance, tow and storage rates, etc.

(2) The Town of South Carthage may inspect wrecker services any time circumstances warrant an inspection.

(3) After the completion of each inspection, the Town of South Carthage shall inform the chief of police or mayor whether the wrecker service will be added to or deleted from the call list. (Ord. #115, Oct. 1988)

9-807. Equipment. (1) Preferably, wrecker services will have at least two (2) units capable of highly efficient performance at the scene of an accident.

(2) Emergency equipment.

(a) At least one (1) functional, amber-colored, rotor-beam type light shall be mounted on the top of the wrecker. No other color will be approved by the department. All emergency flashers and directional lights showing to the front must be amber in color.

(b) Sirens on wreckers or service trucks are prohibited.

(3) The following additional equipment is required:

(a) At least one (1) heavy-duty push broom;

(b) Flood lights mounted at a height sufficient to illuminate the scene at night;

- (c) One (1) shovel;
 - (d) One (1) axe;
 - (e) One (1) pinchbar, prybar, or crowbar;
 - (f) One (1) set of bolt cutters;
 - (g) Minimum of one (1) 20 lbs. Class ABC Underwriter Laboratory approved fire extinguisher.
- (4) The appearance of wreckers shall be reasonably good with equipment painted.
- (5) (a) All tow trucks shall display the firm's name, address, and phone number. Such information shall be painted on or permanently affixed to both sides. All lettering shall be at least three (3) inches high.
- (b) Magnetic signs will not be permitted.
- (6) Wrecker services shall be responsible for carrying the equipment necessary for removal of glass and other debris from highways following each accident. The wrecker operator is responsible for utilizing the equipment for such removals.
- (7) A "grandfather clause" will be implemented for those wrecker services carried on the call list prior to January 1, 1989. This provision allows existing services to observe former requirements on equipment.
- (8) The "grandfather clause" does not relieve wrecker companies from the requirements of minimum insurance standards or other revisions mandated by this order.
- (9) Effective January 1, 1989, any new wrecker company applying for placement on the Town of South Carthage call list, or any service removed from the list for a period of more than thirty (30) days and requesting reinstatement, will be regulated by all requirements set forth in this order.
- (10) Effective January 1, 1989, all wrecker companies on (Ord. #115, Oct. 1988)

9-808. Classification of wreckers. (1) Class A. For towing passenger cars, pick-up trucks, small trailers, etc.

- (a) The tow truck chassis shall have a minimum manufacturer's capacity of one (1) ton (10,000 lbs. G. V. W. R.);
 - (b) Individual boom capacity of not less than four (4) tons;
 - (c) Individual power winch pulling capacity of not less than four (4) tons;
 - (d) One-hundred (100) feet or more of 3/8 inch cable on each drum;
 - (e) Belt-type cradle tow plate or tow sling to pick up vehicles; cradle of tow plate to be equipped with safety chain;
 - (f) Dollies.
- (2) Class B. For towing medium size trucks, trailers, etc.
- (a) The tow truck chassis shall have a minimum manufacturer's capacity of one and one-half (1 ½) tons (18,000 G.V.W.R.).

(b) Boom specifications.

(i) Double booms so constructed as to permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than eight (8) tons and individual power winch pulling capacity of no less than eight (8) tons; or

(ii) Single boom with no less than a sixteen (16) ton capacity and a power winch pulling capacity of no less than sixteen (16) tons.

(c) Two-hundred (200) feet or more of 7/16 inch or larger cable on each drum.

(d) Cradle tow plate or tow sling to pick up vehicle; cradle of tow plate to be equipped with safety chain.

(3) Class C. For towing large trucks, road tractors and trailers and trailers.

(a) The tow truck chassis shall have a minimum manufacturer's capacity of not less than three (3) tons (30,000 G.V.W.R.).

(b) Boom specifications.

(i) Double boom so constructed as to permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than twelve and one-half (12 ½) tons and individual power winch pulling capacity of no less than twelve and one-half (12 ½) tons; or,

(ii) Single boom with no less than a twenty-five (25) ton capacity and a power winch pulling capacity of no less than twenty-five (25) tons.

(c) Two hundred (200) feet or more of 9/16 inch or larger cable on each drum.

(d) Airbrakes so constructed as to lock wheels automatically upon failure.

(4) Class D. Vehicle transporters designed to tow or carry passenger cars, pick-up trucks, classification includes "wheel lift" and "car carrier" or "rollback" type vehicle transporters.

(a) Wheel lift wreckers possessing equipment capable of lifting the vehicle by the wheels only with nothing touching the vehicle body.

(i) Wheel lift wreckers shall meet all Class "A" requirements (§ 9-808(1)), excluding the belt-type cradle tow plate or tow sling.

(ii) Safety restraint straps (nylon straps with ratchets or the equivalent), shall be provided to secure the towed vehicle tires into the wheel lift forks.

(b) Car carrier vehicle transporters.

(i) The truck chassis shall have minimum manufacturer's capacity of one (1) ton (10,000 lbs. G.V.W.R.);

(ii) Two (2) lift cylinders, minimum three (3) inch bore;

- (iii) Individual power winch pulling capacity of not less than four (4) tons;
- (iv) Fifty (50) feet or more of 5/16 inch or larger cable on winch drum;
- (v) Two (2) safety chains for securing vehicle to carrier bed;
- (vi) Carrier bed shall be a minimum of sixteen (16) feet in length and a minimum of eighty-four (84) inches in width inside side rails.
- (vii) Cab protector, constructed of solid steel or aluminum, that extends a minimum of ten (10) inches above the height of the bed. (Ord. #115, Oct. 1988)

9-809. Storage facilities. (1) Wrecker services must be equipped to provide a lot or building for proper, safe, and secure storage.

(a) The storage facility must be located in close proximity to the wrecker service.

(b) The wrecker service shall be responsible for the storage safekeeping, and prevention of vandalism of all vehicles and contents towed for the Town of South Carthage.

(c) The storage facility shall be secured by a fence or natural barrier sufficient to deter trespassing or vandalism.

(d) The storage facility shall be staffed or available for access, between the hours of 8 A.M. and 5 P.M., Monday through Friday, excluding legal holidays.

(e) The storage area shall be of sufficient size to accommodate all vehicles towed by the wrecker service for the Town of South Carthage.

(2) The chief of police or mayor will be notified of all vehicles which are towed at the request of the department that are held over thirty (30) days.

(3) Violation of any of the above requirements or regulations shall be cause for suspension or removal from the Town of South Carthage call list. (Ord. #115, Oct. 1988)

9-810. Services and procedures. (1) Wreckers shall be available for immediate response twenty-four (24) hours a day.

(a) They must respond in a reasonable length of time (as determined by the requesting officer), or the next scheduled wrecker will be called and the first one will lose his turn.

(b) The responding wrecker(s) must be one displaying the firm's name as called for by the Town of South Carthage.

(c) Wrecker services cannot refer a call to another wrecker company or substitute another company's wrecker to avoid a turn on the Town of South Carthage Police Department.

(2) Wrecker service operators shall not perform repair work on towed vehicles without the owner's written request.

(3) Hold orders placed by Town of South Carthage Police Department on vehicles stored for any reason shall be honored by the wrecker establishment.

(4) When no hold order is placed, the vehicle shall be released to the owner upon proof of ownership and when the necessary financial transactions between vehicle owner and wrecker service are completed.

(5) Wrecker service operators shall transport a vehicle to any location requested by the owner/operator after financial obligations have been finalized.

(6) Calls received by wreckers shall be cleared through the Town of South Carthage before the wrecker proceeds to the scene even if the owner calls the wrecker direct. No wrecker shall remove a wrecked vehicle without it being investigated by a law enforcement agency.

(7) Soliciting at the scene is prohibited by the owner, operator, or representative of any wrecker service.

(8) Amber lights may be used while proceeding to, at, and when towing from the scene. When and how the lights are to be used is left to the discretion of the wrecker operator or the policy of the wrecker service.

(9) When a wrecker company receives a call for a Class "C" wrecker it will not affect the wrecker service's status on either the "A" or "B" class lists.

(10) All wreckers shall be prohibited from chasing or running wrecks without a bona fide call from the Town of South Carthage or request from the owner.

(11) (a) If wrecker operators desire to be off-duty for any length of time, they shall inform the Town of South Carthage to avoid losing their turn on the call list.

(b) Upon returning, the wrecker operator will be placed back on the rotating list.

(12) Wrecker operators who fail to answer a call will lose the call. If two (2) calls are missed, an investigation will be made by the chief of police or mayor and suspension or removal will be considered.

(13) Wrecker companies are restricted to a maximum of two (2) telephone numbers on the Town of South Carthage call list. "Call-waiting" and "call-forwarding" are recommended; pagers/beepers are not allowed.

(14) Operators refusing a call, or failing to respond promptly to a call, may be removed from the call list.

(15) When multiple cars are involved and multiple wreckers are called:

(a) The first wrecker arriving at the scene will tow the car causing the greatest traffic hazard which will be determined by the South Carthage Police Department.

(b) If a requested wrecker arrives first, the wrecker will help remove vehicles causing traffic hazard from roadway, then pick up the requested tow.

(c) If a wrecker service has two (2) wreckers, two (2) vehicles may be towed without loss of turn on the rotation, provided both wreckers can respond simultaneously.

(16) Only one (1) wrecker service shall be called to any one (1) vehicle accident. If additional equipment or recovery vehicles are needed to adequately complete a tow (i.e. tractor-trailer rollover or difficult auto recovery) discretion of the wrecker service should be used in deciding what and whose additional equipment will be required.

The severity of the situation and the estimated response time of additional equipment will be weighed by the officer at the scene, who is the deciding authority.

(17) (a) Current tow and storage rates shall be posted in a conspicuous place at the wrecker service location and listed with the Town of South Carthage. Any change of rates shall be forwarded to the Town of South Carthage no later than ten (10) days prior to the proposed change.

(b) A chronological record of vehicles towed and charges of calls given from Town of South Carthage rotation list shall be maintained and opened to the chief of police or mayor for inspection.

(18) Towing rates of each class will be stipulated (a wrecker operator who uses a Class "C" or Class "B" wrecker to tow a vehicle in a lower classification must charge towing rates equitable to other wrecker services towing in that classification).

(19) The Town of South Carthage shall remove from the call list any wrecker service whose tow rates are excessive when compared against other wrecker services providing the same services in the same general area.

(20) The vehicle owner/operator shall be responsible for payment of towing and related service charges. Payment shall be rendered prior to delivery or release of the vehicle by the towing company. (Ord. #115, Oct. 1988)

9-811. General regulations. (1) Owners will not be permitted to operate wrecker equipment under more than one company name out of the same location.

(2) Wrecker companies shall not be permitted to operate more than one (1) wrecker service in the same zone.

(3) All wrecker service operators are expected to be familiar with and comply with the traffic laws of the Town of South Carthage.

(4) Wrecker services shall abide by all rules and regulations of the Town of South Carthage.

(5) Failure to meet the foregoing requirements will prevent wreckers from being placed on the Town of South Carthage call list.

(6) Violation of any of the above requirements or regulations shall be cause for suspension or removal from the Town of South Carthage call list after investigation is made by the department.

(7) The Town of South Carthage shall investigate all complaints of services not requested and/or unfair charges.

(a) Any valid complaints will result in suspension of towing privileges for a period determined by the chief of police or mayor or removal from the call list.

(b) Copies of complaints, investigative reports, and recommended action will be forwarded to the chief's office.

(c) Owners/operators of wrecker services will be advised in writing of suspension or removal by the chief of police or mayor.

(d) Wrecker services desiring an appeal of a decision may do so through the chief's office.

(8) If the owner of a vehicle believes that the vehicle was towed and/or charged unjustly, a complaint may be filed with the chief of police or mayor. The Town of South Carthage shall conduct an investigation into the complaint. If the investigation reveals that the said vehicle was towed and/or charged unjustly, the owner shall have his vehicle released to him without charge or for an amount established by the Town of South Carthage.

(9) This policy should not be construed in any way to conflict with state law. (Ord. #115, Oct. 1988)

CHAPTER 9

EPHEDRINE AND EPHEDRINE RELATED PRODUCTS

SECTION

- 9-901. Sales regulated.
- 9-902. Definitions.
- 9-903. Accessibility of products.
- 9-904. Exemptions.
- 9-905. Employee training.
- 9-906. Registration of purchases.
- 9-907. Penalties for failure to comply.

9-901. Sales regulated. No person shall sell or deliver, or attempt to sell or deliver, in any single retail sale, a package that contains more than one hundred tablets of any product that contains any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or any number of packages that contain a combined total of three (3) or more grams of ephedrine, pseudoephedrine, or phenylpropanolamine whether as the sole active ingredient or in combination products that have less than therapeutically significant quantities of other active ingredients. (as added by Ord. #04-258, April 2004)

9-902. Definitions. (1) The use of the terms "ephedrine," "pseudoephedrine," or "phenylpropanolamine" in this chapter shall include the salts, optical isomers, or salts of optical isomers of ephedrine, pseudoephedrine and phenylpropanolamine.

(2) The use of the term "retail establishment" in this chapter shall include any business entity and individual person who sells, offers for sale or attempts to sell any product containing ephedrine, pseudoephedrine or phenylpropanolamine at retail.

(3) The use of the term "consumer accessible shelving" in this chapter shall mean any area of a retail establishment other than a product display area behind a counter where the public is not permitted, or within a locked display case or within 6 feet of a register located on a checkout counter. (as added by Ord. #04-258, April 2004)

9-903. Accessibility of products. All packages of any product containing ephedrine, pseudoephedrine or phenylpropanolamine, whether as the sole active ingredient or in combination products that have less than therapeutically significant quantities of other active ingredients, shall not be displayed and offered for sale in any retail establishment on consumer-accessible shelving. (as added by Ord. #04-258, April 2004)

9-904. Exemptions. This chapter shall not apply as follows:

(1) To any product labeled pursuant to federal regulation for use only in children under twelve years of age;

(2) To any products that the state department of health, upon application of a manufacturer, determines has been formulated in such a way as to effectively prevent its use in the illicit manufacture of methamphetamine;

(3) To any animal feed products containing ephedrine, or naturally occurring or herbal ephedra or extract of ephedra, pseudoephedrine, or phenylpropanolamine; and

(4) To the sale or delivery of any product containing ephedrine, pseudoephedrine, or phenylpropanolamine pursuant to the lawful prescription of a person authorized by state law to prescribe such products. (as added by Ord. #04-258, April 2004)

9-905. Employee training. Any person who is considered the general owner or operator of a retail establishment where products containing ephedrine, pseudoephedrine, or phenylpropanolamine are available for sale who violates §§ 9-901 or 9-902 of this chapter shall not be penalized pursuant to this chapter if such person documents that an employee training program was in place to provide the employees with information on the local, state and federal regulations regarding ephedrine, pseudoephedrine and phenylpropanolamine, and that the employees had completed the training program. (as added by Ord. #04-258, April 2004)

9-906. Registration of purchases. (1) Any retail establishment that sells or delivers, or attempts to sell or deliver, to a person any product containing ephedrine, pseudoephedrine, or phenylpropanolamine whether as the sole active ingredient or in combination products that have less than therapeutically significant quantities of other active ingredients, shall require such person to show proper identification and to sign a register.

(2) The register described in subsection (1) shall be created by any retail establishment that sells a product or products described in subsection (1) and shall require at least the following information:

(a) The specific quantity of ephedrine, pseudoephedrine or phenylpropanolamine purchased;

(b) The signature of the purchaser;

(c) The name and residential or mailing address of the purchaser; other than a post office box number;

(d) The number of the purchaser's motor vehicle operator's license or other proper identification at the time of the purchase;

(e) The date of such purchase; and

(f) The signature of an employee of the retail establishment as witness to the purchase and identification of the purchaser.

(3) The retail establishment shall retain each original register for three (3) years in a readily presentable and readable manner, and present the register upon demand by any law enforcement officer or authorized representative of the district attorney general's office.

(4) As used in this section, "proper identification" means a valid motor vehicle operator's license or other official and valid state-issued identification of the purchaser that contains a photograph of the purchaser.

(5) This section shall not apply to the sell or delivery of any product containing ephedrine, pseudoephedrine, or phenylpropanolamine by a licensed pharmacy upon a pharmacist making a good faith determination that the purchase of the product is for a legitimate medical purpose. (as added by Ord. #04-258, April 2004)

9-907. Penalties for failure to comply. It is a civil offense to fail to comply with the foregoing regulations. Any violation of these sections is punishable by civil penalty of up to \$50.00. Each day a violation continues under § 9-902 above shall constitute a separate offense. (as added by Ord. #04-258, April 2004)

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

1. IN GENERAL.
2. DOGS.

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

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

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1986 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within three hundred (300) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1986 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1986 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety. (1986 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1986 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1986 Code, § 3-106)

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

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1986 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1986 Code, § 3-108)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1986 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1986 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. (1986 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1986 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. (1986 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any

¹State law reference

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

reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1986 Code, § 3-206)

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

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.¹ (1986 Code, § 3-207)

¹State law reference

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

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.

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

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

appropriate permit and/or license for on premises consumption of such beverage.
(1986 Code, § 10-229)

11-102. Minors in beer places. 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. (1986 Code, § 10-222)

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

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1986 Code, § 10-234)

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon another person. (1986 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1986 Code, § 10-202)

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

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

(a) Blowing horns. The sounding of any horn or 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) Yelling, shouting, hooting, etc. 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) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

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

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

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

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

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

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

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

(l) Loudspeakers or amplifiers on vehicles. The use of a sound amplification system, which includes mechanical loudspeakers or amplifiers, on a vehicle, either moving or standing, at a volume that is plainly audible at a distance of fifty (50) or more feet from the vehicle.

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1986 Code, § 10-233, as amended by Ord. #160, _____)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-501. Escape from custody or confinement.
- 11-502. Impersonating a government officer or employee.
- 11-503. False emergency alarms.
- 11-504. Resisting or interfering with 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 town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1986 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the town 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 town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1986 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1986 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. (1986 Code, § 10-210)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from

entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1986 Code, § 10-230)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

11-601. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, bow and arrow or other force-producing means or method. (1986 Code, § 10-213, as amended by Ord. #188, Nov. 1995)

11-602. Throwing missiles. 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. (1986 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. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1986 Code, § 10-212)

CHAPTER 7**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

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

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1986 Code, § 10-226)

11-702. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1986 Code, § 10-221)

11-703. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1986 Code, § 10-225)

11-704. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1986 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew for minors.
- 11-805. Violation and penalty.
- 11-806. Flow of water from drains or ditches.
- 11-807. Halloween ordinance.
- 11-808. "Spook houses" or "Halloween houses."

11-801. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1986 Code, § 10-223)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1986 Code, § 10-231)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1986 Code, § 10-227)

11-804. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 5:00 A.M. unless upon a legitimate errand, or accompanied by a parent, guardian, or other adult person having lawful custody of such minor. (1986 Code, § 10-224)

11-805. Violations and penalty. Any person found guilty of violating any of the offenses in this title other than § § 11-806 through 11-808 shall be punished by a civil penalty of up to \$50. (Ord. #161, _____)

11-806. Flow of water from drains or ditches. Property owners are required to keep drains, ditches, streams etc. open so there will be no

interference with the normal flow of water in same, nor the flow of water caused by rains wherein an abundance of water may be required to flow therein.

In the event any property owner or resident does not correct a situation within thirty (30) days after due notice, in writing, by the town, the town may by contract do same for and on behalf of the property owner and attach the costs of same against the property in the event the owner does not pay same otherwise. (1986 Code, § 10-235)

11-807. Halloween ordinance. (1) (a) It shall be unlawful for any minor, under the age of 18 years, to be on the public streets, alleys, playgrounds and any other public places or private ground not owned by said minor, within the city limits of South Carthage after 8:00 P.M. on October 31st, or any day designated as the day to celebrate "Halloween," unless accompanied by a parent or legal guardian.

(b) Any person found guilty of violating this ordinance shall be fined not less than \$5.00 and no more than \$50.00.

(c) This section shall not affect the validity of any other curfew ordinance heretofore adopted and in effect within the corporate limits, but shall be an exception of the limitations to any ordinance.

(2) (a) It shall be unlawful for any person to possess in public, and on any street, highway, alley, public place or any property not belonging to said person within the city limits of South Carthage, Tennessee, between the hours of 6:00 o'clock P.M. and 6:00 A.M., eggs, with the intent to throw some at persons or property.

(b) There shall be a rebuttable presumption that anyone who possesses any egg or eggs in public between the hours of 6:00 P.M. and 6:00 A.M. possesses said egg or eggs with the intent to throw said eggs at persons or property.

(c) Any person found guilty of possessing any egg or eggs shall be fined \$10.00 per egg.

(d) Any person found guilty of throwing any egg or eggs shall be fined \$50.00.

(3) It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer.

The following are exempted from the provisions of this section:

(a) Children under the age of 14 years.

(b) Workers, while engaged in work where a face covering is needed for health and/or safety reasons.

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

(d) Any person having a special permit issued by the city to wear a traditional holiday costume.

Any person found guilty of violating this subsection shall be fined not less than \$5.00 and no more than \$50.00.

(4) It shall be unlawful for any person or persons to maliciously throw any stone, stick, bottle, pumpkin or pumpkin parts, snowball, egg, or any other missile or object at any person, building or vehicle.

Any person found guilty of violating this subsection shall be fined not less than \$50.00 for throwing these objects with the intent of doing bodily harm to any person or doing damage to personal property.

(5) It shall be unlawful for any person to willfully, maliciously and intentionally damage, deface, destroy, conceal, tamper with, remove or withhold any real or personal property, which does not belong to him.

(6) It shall be unlawful for any two or more persons to assemble together for any unlawful purpose, or for the purpose of annoyance or disturbance of citizens or travelers, or to do violence to the property of the city or person or property of another against the peace and to the terror of others, or to make any move or preparation therefor, or being present at such meeting or assembly to fail to endeavor to prevent the commission of or perpetration of such unlawful acts.

It shall be unlawful for groups to march on the streets or by motorcade without having a special permit or permission from the mayor.

Any person found guilty of violating this subsection shall be fined not less than \$5.00 and no more than \$50.00.

(7) It shall be unlawful to commit the following violations within the Town of South Carthage:

(a) To drink or consume any beer or other alcoholic beverage in any public place, park, or any street, alley or public thoroughfare.

(b) To possess any open can, bottle, or any other open container containing beer on any school property, library property, church property, public playgrounds, public parks or public buildings, or on any parking lot open to public use or on business property other than those business places which have a license for on the premises consumption of beer.

(8) It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties.

Any person found guilty of violating this offense shall be fined a maximum of \$50.00. (1986 Code, § 10-236)

11-808. "Spook houses" or "Halloween houses." (1) Purpose. This section is enacted to protect, preserve and promote the health, safety, welfare,

peace and quietness for the citizens of South Carthage, Tennessee, through the reduction, control and prevention of excess noise and to provide for the safety of its residents by avoiding possible excessive traffic and crowds on streets and public ways during parts of the year.

(2) Public nuisance. "Spook houses" or "Halloween houses" are declared to be a public nuisance by reason of being detrimental to the general health, safety, welfare, peace and quiet of the community and the use or occupancy of any building, structure or dwelling within the corporate limits of the town for such purposes is prohibited.

(3) Violation a misdemeanor. Any person either owning or leasing a building, structure or dwelling within the corporate limits of the town or any person occupying same as an owner, lessor, lessee, invitee, or guest shall prima facie be guilty of a misdemeanor and upon conviction shall be liable for a fine of not more than \$25.00. Each violation shall constitute a separate offense.

(4) Civil action. Notwithstanding any other provision of this section or any other ordinance, statute or remedy, the town may as an alternative procedure for the abatement of the nuisance seek appropriate relief in the Chancery Court of Smith County.

(5) Remedies not exclusive. No part of this section may be deemed to be a limitation or restriction on the authority of the town to eliminate or abate a nuisance but shall be deemed as an enlargement of existing authority. (1986 Code, § 10-237)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

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

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
 12-102. Modifications.
 12-103. Available in recorder's office.
 12-104. 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 regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code,² 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by

¹Municipal 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: title 18.

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

reference as a part of this code, and is hereinafter referred to as the building code. (Ord. #122, Nov. 1989, modified)

12-102. Modifications. (1) Definitions. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. Section 107 of the building code is hereby deleted.

(2) Permit fees. The recommended schedule of permit fees set forth in Appendix "B" of the building code is amended so that the minimum fee for a building permit shall be fifteen dollars (\$15.00). (Ord. #122, Nov. 1989, modified)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #122, Nov. 1989)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (Ord. #122, Nov. 1989)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the town water or sewerage system, the Standard Plumbing Code,² 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. #124, Nov. 1989, modified)

12-202. Modifications. (1) Definitions. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen.

Wherever "Town Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted.

(2) Permit fees. The schedule of permit fees as recommended in "Appendix H" of the plumbing code is hereby adopted. (1986 Code, § 4-202)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #124, Nov. 1989)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1986 Code, § 4-204)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 1999 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1986 Code, § 4-301, modified)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1986 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this town until a permit therefor has been issued by the town. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1986 Code, § 4-303)

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

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

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1986 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1986 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143, for electrical inspections by deputy inspectors of the state fire marshal. (1986 Code, § 4-306)

CHAPTER 4

GAS CODE¹

SECTION

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

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the town. The following definitions are provided for the purpose of interpretation and administration of the gas code.

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

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

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

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1986 Code, § 4-401)

¹Municipal code reference

Gas system administration: title 19, chapter 2.

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,¹ 1997 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the town recorder for the use and inspection of the public. (Ord. #125, Nov. 1989, modified)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1986 Code, § 4-403)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the recorder a good and sufficient bond in the penal sum of \$25,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing,

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

extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1986 Code, § 4-404)

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of mayor and aldermen. (1986 Code, § 4-405)

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

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1986 Code, § 4-406)

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

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

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1986 Code, § 4-407)

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

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1986 Code, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1986 Code, § 4-409)

12-410. Fees. The permit fee schedule as recommended in Appendix "B" of the gas code is hereby adopted. (1986 Code, § 4-410)

12-411. Violations and penalties. Section 110 of the gas code is hereby deleted. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1986 Code, § 4-411)

12-412. Nonliability. This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1986 Code, § 4-412)

CHAPTER 5

HOUSING CODE

SECTION

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

12-501. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,¹ 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (Ord. #123, Nov. 1989, modified)

12-502. Modifications. (1) Definitions. Wherever the housing code refers to the "Housing Official" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the town attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen.

(2) Penalty clause deleted. Section 108 of the housing code is deleted. (1986 Code, § 4-502)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #123, Nov. 1989, modified)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1986 Code, § 4-504)

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

CHAPTER 6**UNSAFE BUILDING ABATEMENT CODE****SECTION**

12-601. Unsafe building abatement code adopted.

12-602. Modifications.

12-603. Available in recorder's office.

12-604. Violations.

12-601. Unsafe building abatement code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating buildings and structures to insure structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, within or without the town, the Standard Unsafe Building Abatement Code,¹ 1985 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the unsafe building abatement code. (Ord. #126, Nov. 1989)

12-602. Modifications. Definitions. Whenever the unsafe building abatement code refers to the "Chief Appointing Authority," or the "Chief Administrator" it shall be deemed to be a reference to the board of mayor and aldermen. When the "Building Official" is named it shall, for the purposes of the unsafe building abatement code, mean such person as the board of mayor and aldermen has appointed or designated to administer and enforce the provisions of the unsafe building abatement code. (Ord. #126, Nov. 1989)

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the unsafe building abatement code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #126, Nov. 1989)

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

12-604. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the unsafe building abatement code as herein adopted by reference and modified. (Ord. #126, Nov. 1989)

CHAPTER 7

MODEL ENERGY CODE¹

SECTION

- 12-701. Model energy code adopted.
- 12-702. Modifications.
- 12-703. Available in recorder's office.
- 12-704. Violation and penalty.

12-701. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code,² 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

12-702. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of South Carthage. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

¹State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: title 18.

²Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg Pike, Falls Church, Virginia 22041.

12-703. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-704. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED VEHICLES

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Overgrown and dirty lots.
- 13-105. Weeds.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. House trailers.

13-101. Health officer. 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. (1972 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1972 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

without treating it so as effectively to prevent the breeding of mosquitoes. (1972 Code, § 8-106)

13-104. Overgrown and dirty lots. (1) Upon a request by any affected property owner in writing to the board of mayor and aldermen, and upon determination by the board of mayor and aldermen, that any owner of record of real property 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, garbage, or any combination of the preceding elements, has done, or failed to do any act which encourages the infestation of rodents, or other harmful animals, so as to endanger the health, safety or welfare of the citizens of the town, the recorder shall provide notice to such owner of record to remedy the condition.

(2) The notice shall be sent by certified mail, return receipt requested, or by personal notice, or both, and shall include: a description of the specific property which requires remedial action; the time in which the remedial action shall be accomplished; an estimate of costs if the town performs the remedial action; the right of the owner for a hearing before the board of mayor and aldermen, and the manner or means of requesting a hearing.

(3) Any request for hearing shall be in writing and shall be received by the town within ten (10) days of receipt of the notice by the owner. A hearing shall be scheduled at the next regular meeting of the board of mayor and aldermen, provided such hearing would provide reasonable notice to the owner, reasonable notice being defined as seven (7) calendar days, not counting the first day, but counting the last.

(4) After a hearing, in the event the decision of the board of mayor and aldermen is unfavorable to the owner; or in the event the owner does not request a hearing, the remedial action shall be performed by the owner:

(a) Within thirty (30) days after the decision of the board of mayor and aldermen or;

(b) Within thirty (30) days after the date of notice to the owner, whichever is applicable.

(5) If the owner fails to remedy the condition, the town may cause the condition to be remedied at a cost to be no more than the amount as shown in the notice provided the owner. The town may collect the charges plus collection expenses, including a reasonable attorney's fee, through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action against one (1) owner; more than one (1) owner, or all the owners of properties; against whom such costs have been assessed, and the fact that all owners may not be joined as parties will not be a defect to the action or the right of lien as is hereafter provided.

(6) In addition, or in the alternative, the town may file a notice of lien in the office of the register of deeds, and the amount of the lien and the costs shall constitute a lien on the property in favor of the town, subordinate only to:

- (a) Liens of the state, county and town for taxes;
- (b) Any lien of the town for special assessments; and
- (c) Any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice.

The lien and costs, including reasonable attorney's fees, shall be collected by the town at the same time and in the same manner as property taxes are collected, and shall be subject to the same penalty and interest as delinquent property taxes.

(7) The board of mayor and aldermen may promulgate any rules and regulations necessary for the administration and enforcement of this chapter.

(8) Any person aggrieved by an order or act hereunder may seek judicial review of the order or act in the Chancery Court of Smith County. The review shall be denovo. All enforcement actions shall be stayed pending orders of the court.

(9) Actual notice to one (1) owner shall be construed as notice to all owners.

(10) The provisions herein are not an exclusive remedy and are supplemental to any other ordinance or applicable law. (Ord. #196, _____)

13-105. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the town recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1972 Code, § 8-107)

13-106. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1972 Code, § 8-108)

13-107. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1972 Code, § 8-109)

13-108. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1972 Code, § 8-104)

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1972 Code, § 8-111)

¹State law reference

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

CHAPTER 3

ABANDONED VEHICLES

SECTION

- 13-301. Wrecked vehicles.
- 13-302. Public nuisance.
- 13-303. Procedure for removal.
- 13-304. Notice.
- 13-305. Hearing.
- 13-306. Removal.
- 13-307. Storage of vehicles.
- 13-308. Expenses involved.
- 13-309. Delegation of authority.

13-301. Wrecked vehicles. It shall be unlawful to park, store, or leave any motor or other vehicle in a wrecked, junked, partially dismantled, or abandoned condition, on public or private property in the Town of South Carthage unless it is in connection with a purpose or business enterprise lawfully situated and licensed. (1986 Code, § 9-701)

13-302. Public nuisance. All vehicles within the terms of this chapter are hereby declared to be public nuisances. (1986 Code, § 9-702)

13-303. Procedure for removal. The owner of any such vehicle or the owner of the private property on which the same is located shall be responsible for its removal upon appropriate notice and the opportunity to be heard. Prior to commencing the hearing procedure set out in § 13-304 through § 13-306 of this chapter, notices shall be sent to the owner or resident of the property upon which the said vehicle is located stating the condition of said vehicle has caused a violation of this chapter and that unless this violation is corrected within twenty-four (24) hours, procedures will be commenced to effect the removal of the vehicle. Such twenty-four (24) hour notice, or one similar thereto, shall also be provided the vehicle owner and any lienholders to the extent that their names and addresses may be reasonably ascertained after the town has first been apprised of such violation. If in the opinion of city officials, or the chief of police, an emergency situation exists, the vehicle may be immediately removed. (1986 Code, § 9-703)

13-304. Notice. If the twenty-four (24) hour preliminary notice does not accomplish the correction of the violation, the procedure hereinafter set out shall be invoked. A notice shall be directed to the owner of the vehicle and any

lienholders, if known, and the owner of the premises where same is located at least two (2) days before the time for compliance therewith. It shall be sufficient service of notice if it is posted in a conspicuous place upon the premises affected and a copy is mailed to such owners and lienholders at their last known address, place of residence or place of business. (1986 Code, § 9-704)

13-305. Hearing. Within two (2) days after the mailing or other service of said notice, the person to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the board of mayor and aldermen. The hearing shall be held as soon as practicable after the filing of the request therefor and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the town and the persons to whom the notices have been directed may introduce such witnesses and evidence as is deemed necessary and proper by the board of mayor and aldermen. (1986 Code, § 9-705)

13-306. Removal. If the violation described in the notice has not been remedied within five (5) days of the mailing or service thereof, or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the board of mayor and aldermen after hearing, pursuant to the police power to do all things whatsoever necessary for promoting or maintaining the general welfare of the town or its inhabitants, said vehicle shall be removed and taken into the possession of the town. Any tow trucks or other vehicles used for such removal, other than city vehicles, shall be covered by insurance the form and extent of which shall be approved by the mayor. (1986 Code, § 9-706)

13-307. Storage of vehicles. If the vehicle owner pays the town for all expenses involved in the removal and storage of same within ten (10) days of such removal, and indicates, in writing, that such vehicle will not be taken to a location where it will be in violation of § 13-301 above, possession shall be relinquished to such owner. If possession is not thus relinquished to the owner, the mayor shall sell any such vehicles after publication of notice thereof ten (10) days prior to the sale in a newspaper of general circulation in the town. (1986 Code, § 9-707)

13-308. Expenses involved. All costs and expenses incurred by the town in carrying out the provisions of this chapter shall be and constitute a charge and lien against (1) the owner of the vehicle, (2) the owner of the real property when it is determined that the vehicle belongs to said owner, and

(3) the vehicle until paid with interest to accrue at the rate of six percent (6%) annually. (1986 Code, § 9-708)

13-309. Delegation of authority. The mayor is hereby authorized to designate the agency or department to implement the provisions of this chapter. (1986 Code, § 9-709)

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

1. MUNICIPAL PLANNING COMMISSION.
2. FLOOD DAMAGE PREVENTION ORDINANCE.

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

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1986 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1986 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1986 Code, § 11-103)

CHAPTER 2**FLOOD DAMAGE PREVENTION ORDINANCE****SECTION**

14-201. Flood damage control to be governed by flood damage prevention ordinance.

14-201. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the Town of South Carthage shall be governed by Ord. #166, June 1993, titled "South Carthage Flood Plain Zoning Ordinance" and any amendments thereto.¹

¹Ord. #166, June 1993, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

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.

¹Municipal code reference

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

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Commercial traffic on Old Highway 53.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1986 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1986 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1986 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. (1986 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.

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

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1986 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1986 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1986 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1986 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

¹Municipal code references

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

Highways,¹ published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive. (1986 Code, § 9-114)

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles 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. (1986 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. (1986 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1986 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1986 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. (1986 Code, § 9-120)

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

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. (1986 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1986 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. (1986 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1986 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1986 Code, § 9-125)

15-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1986 Code, § 9-126)

15-121. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1986 Code, § 9-119)

15-122. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

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

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

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

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1986 Code, § 9-127)

15-123. Commercial traffic on Old Highway 53. It shall be unlawful for any person, firm or corporation to operate or cause to be operated any commercial vehicle on the city street designated as Old Highway 53 as a means of thru traffic from U.S. Highway No. 70 to State Route 53 at the south city limits, or vice versa. Provided, however, if the purpose of the use of the street is to terminate a trip or is made for the purpose of engaging in trade or commerce with a business establishment doing business on Old Highway 53, this section shall not apply. Any violation of this section shall constitute a misdemeanor and shall be punishable, upon conviction, by a fine of not less than \$2.00 nor more than \$50.00 plus the costs of the cause. (Ord. #_____, Jan. 1988)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

- 15-201. Authorized emergency vehicles defined.
- 15-202. Operation of authorized emergency vehicles.
- 15-203. Following emergency vehicles.
- 15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1986 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

¹Municipal code reference

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

Police pursuit policy: title 6.

safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1986 Code, § 9-103)

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. (1986 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. (1986 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1986 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1986 Code, § 9-202)

15-303. In school zones. Generally, pursuant to § 55-8-152, Tennessee Code Annotated, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the governing body has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1986 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1986 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1986 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1986 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1986 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. (1986 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1986 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. Upon approach of authorized emergency vehicles.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. (1986 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. (1986 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

¹Municipal code reference

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

street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1986 Code, § 9-403)

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. (1986 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. (1986 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. (1986 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

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

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

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

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

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

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1986 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 town it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering

the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1986 Code, § 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the town, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1986 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,¹ except in an emergency. (1986 Code, § 9-410)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this town shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the town has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (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. (1986 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall

angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1986 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. (1986 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 town, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the town. (1986 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1986 Code, § 9-505)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the town, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the board of mayor and aldermen, parking shall be regulated by parking meters where the same have been installed by the town. The presumption shall be that all installed parking meters were lawfully installed by the town. (1986 Code, § 9-506)

15-607. Lawful parking in parking meter spaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1986 Code, § 9-507)

15-608. Unlawful parking in parking meter spaces. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1986 Code, § 9-508)

15-609. Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1986 Code, § 9-509)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1986 Code, § 9-510)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1986 Code, § 9-511)

15-612. 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. (1986 Code, § 9-512)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Deposit of driver license in lieu of bial.
- 15-706. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1986 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1986 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1986 Code, § 9-604, modified)

¹State law reference

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

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any unattended vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof the vehicle is stored. (1986 Code, § 9-605)

15-705. Deposit of driver license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (1986 Code, § 9-603)

15-706. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within ten (10) days, have the charge against him disposed of by paying to the town recorder a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant for his arrest is issued, his fine shall be three dollars (\$3.00).

(b) Other parking violations. For other parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the town 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 ten (10) days but before a warrant is issued for his arrest, his civil penalty shall be five dollars (\$5.00). (1986 Code, § 9-604, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. UTILITY COMPANIES.
4. PROPERTY NUMBERING SYSTEM.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1986 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

(14) feet or over any sidewalk at a height of less than eight (8) feet. (1986 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1986 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted.

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1986 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted.

It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1986 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1986 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1986 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1986 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk

¹Municipal code reference

Building code: title 12, chapter 1.

clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1986 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1986 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1986 Code, § 12-111, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as 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. (1986 Code, § 12-112)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1986 Code, § 12-113)

CHAPTER 2

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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1986 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation,

¹State law reference

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

association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1986 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1986 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1986 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1986 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the

town, but shall be paid for 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 recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1986 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1986 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1986 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1986 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1986 Code, § 12-210)

CHAPTER 3

UTILITY COMPANIES

SECTION

16-301. Use of streets, etc., restricted.

16-302. Permission required for extension of rights in streets, etc.

16-303. Responsible for injuries and damage.

16-301. Use of streets, etc., restricted. The city or town be, and the same is hereby authorized and empowered to limit or further restrict the further use of its highways, streets, avenues, roads and alleys by public utilities companies, individuals or corporations, particularly water companies, telephone, electric membership companies or corporations, dealers in services, utilities, requiring the erection of poles or other structures, or underground pipe lines and/or conduits, to their present situations and legal status, and hereby forbids the extension of any franchises, right or rights, use or uses, except as hereinafter provided. (1986 Code, § 12-301)

16-302. Permission required for extension of rights in streets, etc. Any such utility, person, real or corporate, seeking to extend, or obtain the right to extend or further the use of said streets, highways, roads or alleys in said town or city, for said utility purposes, shall hereafter apply to said town or city board of aldermen and mayor for the privilege or right so to do, in specific terms, and shall obtain authority in writing so to do before acting thereon; the town or city may or may not grant said application in its discretion; said application shall be accompanied by a fee of \$5.00 which will be kept or returned to applicant according to the action taken. (1986 Code, § 12-302)

16-303. Responsible for injuries and damage. The applicant receiving said privilege shall be required to assume responsibility to the Town of South Carthage, Tennessee, for the use of said town and/or for any person whose property rights have been injured or damaged by the negligent, careless and/or unauthorized use of the said privilege in failure to obtain written consent of the town and owner of property to set poles, erect structures of any sort or kind, place and/or maintain lines or cables, conduits, or for injuring or damaging the surface of any highway, road, street, avenue or alley in said town and may be required to face misdemeanor charges as hereinafter provided for violation hereof as hereinafter provided, and shall wholly repair at the applicant's cost, any damage or injury to said highways, roads, streets, avenues, and/or alleys of the town on the same day done.

Failure to repair same at once, for each succeeding day thereafter remaining unrepaired, shall be a misdemeanor chargeable to, and answerable by the acting, directing individual managing head of the applicant, and the head man of the working crew responsible to answer therefor; likewise the erection and/or placement of any pole, structure, conduit, line, cable, or gadget, or pipe, alongside, upon or in front of or over property of any town person, real or corporate, without locating same according to the written wish of the Town of South Carthage and the owner of the real property affected, shall likewise constitute a misdemeanor for the managing heads aforesaid for each day violated, with the penalty for violations of each misdemeanor as hereinafter fixed for misdemeanors.

To evade the misdemeanor penalties therefor it shall also be necessary to obtain the privilege therefor in the manner and form hereinbefore provided for, and act in strict conformity herewith. (1986 Code, § 12-303)

CHAPTER 4

PROPERTY NUMBERING SYSTEM

SECTION

16-401. Uniform numbering system.

16-402. Assignment of numbers.

16-403. Administration.

16-404. Violations.

16-401. Uniform numbering system. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title South Carthage Official Street Name and Property Numbering System, which is filed in the office of the town recorder is hereby adopted for use in the Town of South Carthage. This map and all explanatory matter thereon is hereby adopted and made part of this chapter. (1986 Code, § 12-401)

16-402. Assignment of numbers. (1) All properties or parcels of land within the corporate limits of South Carthage shall hereafter be identified by reference to the uniform numbering system adopted herein. All existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted by April 5, 1979.

(2) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(3) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located.

(4) Numerals posted shall be no less than 3 inches in height. (1986 Code, § 12-402)

16-403. Administration. (1) The town recorder shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of § 16-402.

(2) The recorder shall keep a record of all numbers assigned under this chapter.

(3) The town recorder shall issue to any property owner in the Town of South Carthage upon request a set of numerals for each principal building or separate front entrance of such building. In doing so, he shall issue only numerals for the number assigned to such building under the provisions of this

chapter. Provided, however, that the recorder may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner. (1986 Code, § 12-403)

16-404. Violations. Violation of this chapter shall be a misdemeanor and may be punished by a fine to be set by the city judge not to exceed \$5.00. Each separate day such violation is continued shall constitute a separate offense. (1986 Code, § 12-404)

TITLE 17**REFUSE AND TRASH DISPOSAL**¹**CHAPTER**

1. REFUSE.
2. INFECTIOUS WASTE DISPOSAL.

CHAPTER 1**REFUSE****SECTION**

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.

17-101. Refuse defined. Refuse shall mean and include garbage, and rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1986 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1986 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less

¹Municipal code reference

Property maintenance regulations: title 13.

than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the town handles mechanically. Furthermore, except for containers which the town handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1986 Code, § 8-203)

17-104. Location of containers. Where alleys are used by the town 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 town refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1986 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1986 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (1986 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1986 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1986 Code, § 8-208)

CHAPTER 2

INFECTIOUS WASTE DISPOSAL

SECTION

- 17-201. Enforcement.
- 17-202. Storage of infectious waste.
- 17-203. Definitions.
- 17-204. Violation and penalty.

17-201. Enforcement. (1) Discontinuance of garbage service. In the event the health officer designated by the board of mayor and alderman determines that an infectious waste is being disposed of in violation of this chapter and that the violation constitutes an immediate hazard to the health, safety and welfare of the citizens of the town, the health officer may require immediate corrective action to come into conformity with this chapter, and upon the failure or refusal to do so, shall have the authority to order the discontinuance of the garbage pick up services.

The remedy of discontinuing garbage pick up service provided for in this section shall be in addition to, and shall not exclude, any other remedy available to the town under any other federal or state law, municipal ordinance or regulation, including the remedy available to the city under § 17-204 of this chapter.

(2) Inspection. The health officer shall have the authority to inspect any apparent infectious waste at any reasonable time, for the purpose of determining if the infectious waste is being handled, stored, treated and disposed in accordance with this chapter.

(3) Authority. The health officer is authorized to administer and enforce the provisions of this chapter related to the generation, storage, treatment, and disposal of infectious wastes within the town. (Ord. #176, Nov. 1993)

17-202. Storage of infectious waste. (1) Infectious waste shall be stored in a manner and location which affords protection from animals, rain and wind; does not provide a breeding place or a food source for insects or rodents.

(2) Infectious waste shall be segregated by separate containment from other waste at the point of origin.

(3) Infectious waste, except for sharps, shall be contained in disposable leakproof plastic bags which have a strength to preclude ripping, tearing or bursting under normal conditions of use. The bags shall be marked by the infectious waste generator in the following clearly identifiable printing: **"INFECTIOUS BIOMEDICAL WASTE."** The bags shall be secured to prevent

leakage or expulsion of solid or liquid waste during storage, handling or transport.

(4) Sharps shall be contained in leakproof, rigid, puncture-resistant, break-resistant containers which are tightly lidded during storage and handling.

(5) Infectious waste contained in disposal bags under subsection (3) shall be placed for storage, handling or transport in containers such as disposable or reusable pails, cartons, boxes, drums or portable bins. The containers shall be of any color and shall be conspicuously labeled with the international biohazard symbol and the words "**INFECTIOUS BIOMEDICAL WASTE.**"

(6) Infectious waste shall not be subject to compaction prior to treatment.

(7) Sharps waste. (a) At no time shall treated sharps waste, except incinerated sharps waste, be disposed into the general solid waste stream, unless approved in writing by the health officer.

(b) Treated sharps waste, except incinerated sharps waste, shall be transported separately from the general solid waste stream in approved sharps containers disposal. (Ord. #176, Nov. 1993)

17-203. Definitions. (1) Items classified as infectious waste shall be determined by the health officer and shall include but not limited to wastes that have come in contact with human body substances or other sources which may contain pathogenic substances or other materials that may directly or indirectly create a significant risk of disease or constitute a health hazard.

(2) Sharps, which mean medical and/or laboratory equipment that may cause punctures or cuts. Such includes, but is not limited to needles, syringes, lancets, scalpel blades, contaminated broken or sharp laboratory glassware. (Ord. #176, Nov. 1993)

17-204. Violation and penalty. It shall be unlawful and a misdemeanor for any person to violate any provision of this chapter, the penalty for which shall be a fine of \$50.00. Each day a violation occurs shall be considered a separate offense. (Ord. #176, Nov. 1993)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
3. SEWER USE ORDINANCE.
4. FATS, OILS, AND GREASE ORDINANCE.

CHAPTER 1

SEWAGE AND HUMAN EXCRETA DISPOSAL²

SECTION

- 18-101. Definitions.
- 18-102. Places required to have sanitary disposal methods.
- 18-103. When a connection to the public sewer is required.
- 18-104. When a septic tank shall be used.
- 18-105. Registration and records of septic tank cleaners, etc.
- 18-106. Use of pit privy or other method of disposal.
- 18-107. Approval and permit required for septic tanks, privies, etc.
- 18-108. Owner to provide disposal facilities.
- 18-109. Occupant to maintain disposal facilities.
- 18-110. Only specified methods of disposal to be used.
- 18-111. Discharge into watercourses restricted.
- 18-112. Pollution of ground water prohibited.
- 18-113. Enforcement of chapter.
- 18-114. Carnivals, circuses, etc.
- 18-115. Violations.

18-101. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way;

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

Street and sewer committee: title 2, chapter 1.

²Municipal code reference

Plumbing code: title 12, chapter 2.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent;

(3) "Human excreta." The bowel and kidney discharges of human beings;

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1986 Code, § 8-301)

18-102. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1986 Code, § 8-302)

18-103. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public

sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1986 Code, § 8-303)

18-104. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1986 Code, § 8-304)

18-105. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1986 Code, § 8-305)

18-106. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1986 Code, § 8-306)

18-107. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1986 Code, § 8-307)

18-108. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-102, or the agent of the owner to provide such facilities. (1986 Code, § 8-308)

18-109. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere

with the operation of such facilities shall be deposited therein. (1986 Code, § 8-309)

18-110. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1986 Code, § 8-310)

18-111. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1986 Code, § 8-311)

18-112. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1986 Code, § 8-312)

18-113. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1986 Code, § 8-313)

18-114. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1986 Code, § 8-314)

18-115. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the

provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1986 Code, § 8-315)

CHAPTER 2**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**¹**SECTION**

- 18-201. Definitions.
- 18-202. Standards.
- 18-203. Construction, operation, and supervision.
- 18-204. Statement required.
- 18-205. Inspections required.
- 18-206. Right of entry for inspections.
- 18-207. Correction of existing violations.
- 18-208. Use of protective devices.
- 18-209. Unpotable water to be labeled.
- 18-210. Violations.

18-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the town for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "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

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1986 Code, § 8-401)

18-202. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, §§ 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. (1986 Code, § 8-401)

18-203. 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 waterworks of the municipality. (1986 Code, § 8-403)

18-204. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, 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. (1986 Code, § 8-404)

18-205. Inspections required. It shall be the duty of the superintendent of the waterworks 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 waterworks and as approved by the Tennessee Department of Health. (1986 Code, § 8-405)

18-206. Right of entry for inspections. The superintendent of the waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply 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. (1986 Code, § 8-406)

18-207. Correction of existing violations. 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 waterworks.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the superintendent of the waterworks 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. (1986 Code, § 8-407)

18-208. Use of protective devices. 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 supply, 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 supply.

(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 waterworks of the municipality 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 waterworks 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 municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the waterworks 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 of the waterworks 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 superintendent 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 waterworks.

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 superintendent of the waterworks. (1986 Code, § 8-408)

18-209. Unpotable water to be labeled. 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. (1986 Code, § 8-409)

18-210. Violations. The requirements contained herein shall apply to all premises served by the town 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 town 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 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 under the general penalty clause for this municipal code of ordinances. (1986 Code, § 8-410)

CHAPTER 3

SEWER USE ORDINANCE

SECTION

- 18-301. General provisions.
- 18-302. Regulations.
- 18-303. Fees.
- 18-304. Administration.
- 18-305. Private sewage disposal.
- 18-306. Building sewers and connections.
- 18-307. Enforcement.
- 18-308. Penalty; costs.
- 18-309. Sewer use policy.
- 18-310. Additional sewer use policies.

18-301. General provisions. (1) Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of South Carthage, Tennessee, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater 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 for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the Town of South Carthage and to the persons outside the town who are, by contract or agreement with the town, users of the Town of South Carthage's POTW. Except as otherwise provided herein,

the Mayor of the Town of South Carthage shall administer, implement, and enforce the provisions of this chapter.

(2) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings 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. 1251, et seq.

(b) Approval authority. The Director of the Division of Water Quality Control, State of Tennessee, Department of Public Health, and the regional administrator of the EPA, Region IV.

(c) Authorized representative of industrial user. An authorized representative of an industrial user may be:

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

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

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

(d) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

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

(f) Categorical standards. National categorical pretreatment standards or pretreatment standard.

(g) City or town. The Town of South Carthage, Tennessee.

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

(i) Compatible pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly-owned treatment work's NPDES permit, where the publicly-owned treatment work is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.

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

(k) Environmental protection agency, or EPA. The U.S. Environmental Protection Agency.

(l) Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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

(n) Incompatible pollutant. All pollutants other than compatible pollutants as defined in subparagraph (i) of this section.

(o) Indirect discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(p) Industrial user. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the act (33 U.S.C. 1342).

(q) Interference. The inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of the city's NPDES permit.

(r) Mayor. The person designated by the city to supervise the operation of the publicly-owned treatment works and who is charged with certain duties and responsibilities by this section, or his duly-authorized representative.

(s) National categorical pretreatment standard or pretreatment standard. Any regulation containing pollutant-discharge limits promulgated by the EPA, in accordance with section 307(b) and (c) of the act (33 U.S.C. 1347) which applies to industrial users.

(t) National prohibitive discharge standard or prohibitive discharge standard. Any regulation developed under the authority of 307 (b) of the act and 40 CFR, section 403.5.

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

(v) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the act (33 U.S.C. 1342).

(w) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include

the feminine, the singular shall include the plural where indicated by the context.

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

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

(z) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(aa) Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR section 403.6(d).

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

(cc) Publicly owned treatment works (POTW). A treatment works as defined by section 212 of the act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town of South Carthage who are, by contract or agreement with the Town of South Carthage, users of the town's POTW.

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

(ee) Shall is mandatory: may is permissive.

(ff) Significant industrial user. Any industrial user of the city's wastewater disposal system who

(i) Has a discharge flow or 25,000 gallons or more per average work day, or

(ii) Has a flow greater than 5% of the flow in the city's wastewater treatment system, or

(iii) Has in his wastes toxic pollutants as defined pursuant to section 307 of the Act, or

(iv) Is found by the city, state, or the U.S. Environmental Protection Agency (EPA) to have a significant impact, either singly or in combination with other contributing industries, on the

wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(gg) State. State of Tennessee.

(hh) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

(jj) 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.

(kk) Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) or other acts.

(ll) Twenty-four hour flow proportional composite sample. A sample consisting of several wastewater portions during a 24-hour period in which the portions are proportional to the flow and combine to form a representative sample.

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

(nn) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(oo) Waters of the state. All streams, lakes, ponds, marshes, water courses, 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 or any portion thereof.

(pp) Wastewater contribution permit. As set forth in § 18-304(2).

(3) Abbreviations. The following abbreviations shall have the designated meanings:

BOD - Biochemical oxygen demand.

CFR - Code of Federal Regulations.

COD - Chemical oxygen demand.

EPA - Environmental Protection Agency.

l - Liter.

mg - Milligrams.

mg/l - Milligrams per liter

NPDES- National Pollutant Discharge Elimination System

POTW - Publicly owned treatment works.

SIC - Standard Industrial Classification

SWDA- Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.

USC - United States Code.

TSS - Total suspended solids. (1986 Code, § 13-101)

18-302. Regulations. (1) **General discharge prohibitions.** No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW.

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings of an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half ($\frac{1}{2}$ ") inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment

standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. 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.

(g) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F) unless the POTW treatment plant is designed to accommodate such temperature.

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

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

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

When the mayor determines that a user(s) is contributing to the POTW, any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the mayor shall:

(i) Advise the user(s) of the impact of the contribution on the POTW; and

(ii) Develop effluent limitation(s) for such user(s) to correct the interference with the POTW.

(2) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The affected user shall come into compliance with said limitations within three (3) years following promulgation of the standard.

(3) Modification of federal categorical pretreatment standards. Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c) (2) of (title 40 of the Code of Federal Regulations, part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the act. The city may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7, are fulfilled and prior approval from the approval authority is obtained.

(4) Specific pollutant limitations. No person shall discharge wastewater containing in excess of:

<u>Constituent</u>	<u>Daily Average</u>	<u>Instantaneous</u>
	<u>Maximum</u>	<u>Maximum</u>
	<u>Concentration (mg/l)</u>	<u>Concentration (mg/l)</u>
	<u>(24-hour Composite)</u>	<u>Grab Sample</u>
	<u>Sample</u>	
Biochemical Oxygen Demand	500*	1000*
Chemical Oxygen Demand	750*	1500*
Settleable Solids	15 ml/l	20 ml/l
Total Suspended Solids	500*	1000*
Total Dissolved Solids	1875	3750
Antimony	5.00	8.00
Arsenic	0.05	1.50
Barium	30.00	50.00
Boron	50.00	80.00

Cadmium	0.01	1.50
Chromium (Hexavalent)	0.05	
Chromium, Total	2.00	1.00
Cobalt	10.00	15.00
Copper	0.50	1.50
Cyanide	0.02	
Fluoride	45.00	70.00
Iron	5.00	15.00
Lead	0.05	0.10
Magnesium	10.00	15.00
Manganese	1.00	1.50
Mercury	0.02	0.02
Nickel	0.50	1.50
Phosphorus (Total P)	10.00	15.00
Potassium	10.00	15.00
Selenium	0.10	0.20
Silver	1.00	1.50
Strontium	30.00	50.00
Tin	10.00	15.00
Titanium	3.00	5.00
Zinc	0.10	1.50
BODS	(limited by facility design)	
Cyanide	1.00	1.50
Nitrogen (Total Kjeidahl)	60.00	90.00
Pesticides	-----Below Detectable Limit-----	
Phenols	10.00	15.00
Surface Active Agents (as MBAS) Non-Biodegradable	5.00	8.00
Hexane or Ether	100.00	150.00
Soluble Substances		
Total Oil	50.00	80.00
*Limited by design capacity		

Any waters or wastes which cause the wastewater arriving at the treatment facility to exceed any of the maximum concentration limits for a 24-hour composite sample tabulated as follows:

<u>Constituent</u>	<u>Maximum Concentration with Safety Factor (mg/l)</u>
Boron	0.20
Cadmium	0.01
Chromium (Hexavalent)	0.40
Chromium (Total)	1.00

Copper	0.10
Cyanide	0.20
Lead	0.01
Nickel	0.10
Zinc	0.10

(5) State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(6) City's right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 18-301(1).

(7) Excessive discharge. 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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in § 18-302(1), e.g., the pH prohibition).

(8) Accidental discharges. Each 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 owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after the effective date of the ordinance comprising this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written notice: Within five (5) days following an accidental discharge, the user shall submit to the mayor a detailed written report describing the cause 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 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 user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to employees: A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1986 Code, § 13-102)

18-303. Fees. (1) Purpose. It is the purpose of this section to provide for the recovery of costs from users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(2) Charges and fees. The city may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards; and
- (g) 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. (1986 Code, § 13-103)

18-304. Administration. (1) Wastewater discharges. It shall be unlawful to discharge without a Town of South Carthage permit to any natural outlet within the Town of South Carthage, or in any area under the jurisdiction of said town, and/or to the POTW, any wastewater except as authorized by the mayor in accordance with the provisions of this chapter.

(2) Wastewater contribution permits. (a) General permits. All users proposing to discharge non-domestic waste to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. Any existing connected user discharging waste other than domestic waste shall obtain a wastewater contribution permit within 180 days after the effective date of the ordinance comprising this chapter.

(b) Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the city an application in the form prescribed by the city. Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective

date of the ordinance comprising this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(i) Name, address, and location, (if different from the address);

(ii) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(iii) Wastewater constituents and characteristics including but not limited to those mentioned in § 18-302, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304 (g) of the act and contained in 40 CFR, part 136, as amended;

(iv) Time and duration of contribution;

(v) Average daily and three-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;

(vii) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged;

(viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards; and

(ix) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final

plans, executing contracts for major components, commencing construction, completing construction, etc.).

(B) No increment referred to in paragraph (ix) shall exceed nine (9) months.

(C) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the mayor including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the mayor.

(x) Each product produced by type, amount, process or processes, and rate of production;

(xi) Type and amount of raw materials processed (average and maximum per day);

(xii) Number of type of employees, and hours of operation of plan and proposed or actual hours of operation of pretreatment system; and

(xiii) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

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

(c) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of industrial users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit, as required by subsection (2) (b) above, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user, with an existing wastewater contribution permit shall submit to the mayor within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by paragraphs (viii) and (ix) of subsection (2) (b) above.

(d) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable

regulations, user charges and fees established by the city. Permits may contain the following:

- (i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW.
- (ii) Limits on the average and maximum wastewater constituents and characteristics;
- (iii) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (iv) Requirements for installation and maintenance of inspection and sampling facilities;
- (v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (vi) Compliance schedules;
- (vii) Requirements for submission of technical reports or discharge reports (see subsection (3) below);
- (viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- (ix) Requirements for notification of the city or 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 slug discharges as per § 18-307(2); and
- (xi) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in § 18-302 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. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(3) Reporting requirements for permittee. (a) Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the mayor a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(b) Periodic compliance reports. (i) Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the mayor during the months of June and December, unless required more frequently in the pretreatment standard or by the mayor, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in subsection (ii) of this section.

At the discretion of the mayor and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the mayor may agree to alter the months during which the above reports are to be submitted.

(ii) The mayor may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (i) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the mayor, of pollutants contained therein which are limited by the applicable pretreatment standards. These reports shall be made available to the approval authority upon request. The frequency of

monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the act and contained in 40 CFR, part 136, and amendments thereto, or with any other test procedures approved by the administrator. Sampling shall be approved by the administrator.

(4) Monitoring facilities. The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city.

(5) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(6) Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans, prepared by a registered engineer, showing the pretreatment facilities and operating procedures, shall

be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(7) Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the city as confidential, shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten-day notification is given to the user. (1986 Code, § 13-104)

18-305. Private sewage disposal. (1) General. Where any residence, office, recreational facility or other establishments used for human occupancy is not accessible to the POTW, the user shall provide a private sewage disposal system. Where any residence, office, recreational facility, or other establishment used for human occupancy, where the building drain is below the elevation to obtain a 1% grade in the building sewer, but is otherwise accessible to the POTW, the owner shall provide a private sewage pumping station as provided in § 18-303(3).

(2) Nonavailability certificate. A private sewage disposal system may not be constructed within the city limits unless and until a certificate is obtained from the mayor stating that the POTW is not accessible to the property and no such POTW is proposed for construction in the immediate future. No certificate shall be issued for any private sewage disposal system employing subsurface soil

absorption facilities where the area of the lot is less than seventy-five hundred (7,500) square feet.

(3) Requirements. Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee and of the Smith County Health Department and of South Carthage, Tennessee, and must be inspected and approved by the authorized representative of the county health department and by the mayor. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times. When the POTW becomes available, the building sewer shall be connected to such POTW within 60 days of date of notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material. (1986 Code, § 13-105)

18-306. Building sewers and connections. (1) Building sewer permit. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW or appurtenances thereof without first obtaining a written building sewer permit from the mayor.

Any residential and commercial user discharging only domestic wastes shall make application for a building sewer permit furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the mayor. A permit and inspection fee of fifteen dollars for a residential or commercial building sewer permit shall be paid to the town at the time the application is filed.

(2) Connections. All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to the POTW shall be made only by a plumber duly authorized in writing by the mayor's office.

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

(3) Installation. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the mayor, to meet all requirements of this chapter.

Building sewers shall be at least four inches in diameter. Larger building sewers shall be used as necessary in order to carry the flow anticipated. Four-inch building sewers shall be laid on a grade of at least 1.0%. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second. Slope and alignment of all building sewers shall be neat and regular. Pipe materials as specified below shall be used. Pipe shall

conform to the appropriate ASTM Specification and shall be laid in conformation with the appropriate ASTM specification of the W.P.C.F. Manual of Practice, No. 9.

Building sewers shall be constructed only of

- (a) Concrete or clay sewer pipe using rubber compression joints of approved type;
- (b) Cast-iron soil pipe with leaded joints;
- (c) Polyvinyl-chloride pipe with rubber compression joints;
- (d) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or
- (e) Such other materials of equal or superior quality as may be approved by the mayor.

Under no circumstances will cement mortar joints be acceptable. Each connection to the POTW must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle of a type approved by the town attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW at a grade of one percent (1%) or more is possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the POTW, adequate precautions by installation of check valves or other backflow prevention devices, to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the POTW, wastes carried by such building drain shall be lifted by an approved means and discharged to the building at the expense of the owner.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the POTW.

The connection of the building sewer into the POTW shall conform to the rules and regulations the town may establish and the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice, No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the mayor before installation. The applicant for the building sewer permit shall notify the mayor when the building sewer is ready for inspection and connection to the POTW. The connection shall be made under the supervision of the mayor or his representative.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course

of the work shall be restored in a manner satisfactory to the town. (1986 Code, § 13-106)

18-307. Enforcement. (1) Harmful contributions. The city may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES permit.

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

(2) Revocation of permit. Any user who violates the following conditions of this chapter, or applicable state and federal conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.

(3) Notification of violation. Whenever the city finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

- (4) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to show cause before the city why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show

cause before the city why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(b) The city may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Town of South Carthage to:

(i) Issue in the name of the city notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

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

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

(5) Legal action. If any person discharges sewage, industrial wastes or other wastes into the POTW system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the courts of this county. (1986 Code, § 1-107)

18-308. Penalty; costs. (1) Civil penalties. Any user who is found to have violated an order of the city or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or

knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both. (1986 Code, § 13-108)

18-309. Sewer use policy. (1) The owner, tenant or occupant of every residence or establishment which abuts upon a street or a parcel of land upon which a sewer line has been constructed for the discharge of sewage (not to be confused with an occasional pressure line constructed to convey the raw sewage to the Carthage Plant) will be required to connect the residence (or buildings) to the sanitary sewer and cease to use any other means for the disposal of sewage, sewage waste or polluting matter.

(2) The determination of the availability of sewer service will be determined by a reference to the "as built" plans as prepared by the engineering firm of J. R. Wauford & Company, Consulting Engineers, and on file in the city hall.

(3) Waivers, if any, will be made on an individual basis and only after a consideration of the facts contained in the request.

(4) Lots upon which there is no residence, building or establishment will not be chargeable with a minimum charge until the erection of a building thereon.

(5) For those customers who are utilizing the town's sewer system but have their own individual water system, they will be charged the projected average residential sewer use.

(6) In order to provide for the equal enforcement of the town's sewer policy it will be the town's policy to utilize that portion of the law of the State of Tennessee, which permits the sewer base rate charge to be considered as a local tax in the same manner that local property taxes are so considered and to enforce the policy in such manner. (1986 Code, § 13-109)

18-310. Additional sewer use policies. (1) It shall be unlawful for any owner of land upon which is located a building or structure and for which sewer system service is available, as that term is defined in § 18-309, to fail or refuse to connect it to the sewer system. Any such person shall be subject to a fine of not less than \$10.00 nor more than \$50.00 for each violation and a separate offense shall be deemed to be committed for each day during which a violation occurs or continues.

(2) A charge for the availability of sewer system service shall begin to accrue from and after the first date of such availability. All persons owning such land shall be obligated to pay such charges, when and as billed, until such time as they begin to pay charges for actual sewer usage.

(3) The charge for the availability of sewer system service for any particular piece of land shall be the projected average use rate for the type of building or structure located on the land.

(4) The penalties established in this chapter shall be in addition to any others existing at law or in equity. (1986 Code, § 13-110)

CHAPTER 4

FATS, OILS, AND GREASE ORDINANCE

SECTION

- 18-401. Definitions.
- 18-402. Purpose.
- 18-403. Fat, oil, grease, waste food, and sand interceptors.
- 18-404. Fat, oil, grease and food waste.
- 18-405. Sand, soil, and oil interceptors.
- 18-406. Laundries.
- 18-407. Control equipment.
- 18-408. Solvents prohibited.
- 18-409. Enforcement and penalties.
- 18-410. Alteration of control methods.

18-401. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) "Black water" shall mean waste water from sanitary fixtures such as toilets and urinals.

(2) "Cooking establishments" shall mean those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in to on a receptacle that requires washing.

(3) "Customer" shall mean a user of the sanitary sewer system who produces wastes from their process operations. The customer is responsible for assuring that the produced waste is disposed of in accordance with all federal, state, and local disposal regulations.

(4) "Fats, oils, and greases" shall mean organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

(5) "Garbage grinder/disposal" shall mean a device which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.

(6) "Gray water" shall refer to all wastewater other than "black water" as defined in this section.

(7) "Grease interceptor" shall mean an interceptor whose rated flow is 50 g.p.m. (gallons per minute) or less and is typically located inside the building.

(8) "Grease trap" shall mean an interceptor whose rated flow exceeds 50 g.p.m. and is located outside the building.

(9) "Interceptor" shall mean 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.

(10) "Minimum design capability" shall mean the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer.

(11) "Non-cooking establishments" shall mean those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.

(12) "Sewage" shall mean the liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities, and institutions, whether treated or untreated. The terms "waste" and "wastewater" shall be deemed as sewage by definition.

(13) "User" shall mean a customer of the Town of South Carthage operating a "cooking establishment" inside the Town of South Carthage service area.

(14) "Waste" shall mean the liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities, and institutions, whether treated or untreated. Wastes may include but not be limited to, discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles, and floor drains located in areas where grease-containing materials may exist. The term "sewage" and "wastewater" shall be deemed as waste by definition.

Other definitions and information are listed in the Town of South Carthage Sewer Use Ordinance, latest revision. (as added by Ord. #03-249, June 2003)

18-402. Purpose. The purpose of this ordinance is to control discharges into the public sewerage collection system and treatment plant that interfere with the operations of the system, caused blockage and plugging of pipelines, interfere with normal operation of pumps and their controls and contribute waste of strength or form that is beyond the treatment capability of the treatment plant. (as added by Ord. #03-249, June 2003)

18-403. Fat, oil, and grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when,

in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. (as added by Ord. #03-249, June 2003)

18-404. Fat, oil, grease, and food waste. (1) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(2) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or operational problems to structures of equipment in the public sewer system.

(3) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must: implement the plan within a reasonable amount of time; service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plant, additional pretreatment measures may be required. (as added by Ord. #03-249, June 2003)

18-405. Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rain water into the sanitary sewers. (as added by Ord. #03-249, June 2003)

18-406. Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids ½ inch or larger in size such as;

strings, rags, buttons, or other solids detrimental to the system. (as added by Ord. #03-249, June 2003)

18-407. Control equipment. (1) The equipment or facilities installed to control FOG, food waste, sand, and soil, must be designed in accordance with Southern Plumbing Code and Tennessee Department of Environment and Conservation engineering standards or applicable town guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the town is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the town. Nothing in this section shall be construed to prohibit or restrict any other remedy the town has under the ordinance, or state or federal law.

(2) The town retains the right to inspect and approve installation of the control equipment.

(3) Grease interceptors shall be installed by owners/operators as required by the superintendent. Grease interceptors shall be installed at the owners/operators expense, when operating a cooking establishment. Grease interceptors may also be required in non-cooking establishment and other industrial or commercial establishments when they are deemed necessary by the superintendent for the proper handling of liquid wastes containing grease. No owner/operator shall allow wastewater discharge concentration from subject grease interceptor to exceed 325 milligrams per liter, as identified by method EPA method 1664 or 275 milligrams per liter, as identified by EPA method 413. All grease interceptors shall be of a type, design, and capacity approved by the superintendent and shall be readily and easily accessible for owner/operator cleaning and town inspection. All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor, but not less often than every thirty (30) days. Owners/operators who are required to pass water through a grease interceptor shall:

(a) Provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow or twelve (12) minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria, between the influent and effluent baffles with twenty (20) percent of the total volume of the grease interceptor being allowed for sludge to settle and accumulate, identified hereafter as "sludge pocket."

(b) Remove any accumulated grease cap and sludge pocket as required, but at intervals of not longer than thirty (30) days at the

owners/operators expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the grease interceptor.

(c) Accept the following conditions: If any skimmed or pumped wastes or other materials removed from grease interceptor are treated in any fashion onsite and reintroduced back into the grease interceptor as an activity of and after said onsite treatment, the owner/operator shall be responsible for the attainment of established grease numerical limit consistent with and contained in (C)(1) on all discharges of wastewater from said grease interceptor into the Town of Gordonsville sanitary sewer collection and treatment system.

(d) Operate the grease interceptor in a manner so as to maintain said device such that attainment of the grease limit is consistently achieved.

(e) Recordkeeping. Records must be kept and maintained at the site of the removal of any accumulated grease cap and sludge, and of any skimmed or pumped wastes removed from grease interceptor which are treated onsite in any fashion and reintroduced back into the grease interceptor. Copies of these records will be provided to the wastewater superintendent upon request. (as added by Ord. #03-249, June 2003)

18-408. Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. (as added by Ord. #03-249, June 2003)

18-409. Enforcement and penalties. Any person who violates this ordinance shall be guilty of a civil violation punishable under and according to the general penalty provision of the town's municipal code of ordinances. Each day's violation of this ordinance shall be considered a separate offense. (as added by Ord. #03-249, June 2003)

18-410. Alteration of control methods. The town through the superintendent reserves the right to request additional control measures if measures taken are shown to be insufficient to protect sewer collection system and treatment plant from interference due to the discharge of fats, oils, and grease, sand, soil, or lint. (as added by Ord. #03-249, June 2003)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

1. POLICE COMMITTEE.
2. LOCAL GOVERNMENT EMERGENCY ASSISTANCE.

CHAPTER 1

POLICE COMMITTEE

SECTION

- 20-101. Composition.
- 20-102. Duties.
- 20-103. Meetings.
- 20-104. Reports to board.
- 20-105. Other duties.

20-101. Composition. The committee shall consist of the mayor and one (1) alderman from each ward to be appointed by the mayor. The mayor shall serve as committee chairman. (Ord. #202, _____)

20-102. Duties. The committee shall exercise leadership in the supervision and the further development of the police department in accordance with the policies set forth in the town's charter, the general law and the police policy. (Ord. #202, _____)

20-103. Meetings. The committee shall meet on call of the chairman or on the written call of the other two committee members. Two members of the committee shall constitute a quorum. (Ord. #202, _____)

20-104. Reports to board. The committee shall make periodic reports and recommendations to the board. (Ord. #202, _____)

20-105. Other duties. The committee shall perform such other duties and exercise such other authority as may be prescribed by law and by the board. (Ord. #202, _____)

CHAPTER 2

LOCAL GOVERNMENT EMERGENCY ASSISTANCE¹

SECTION

20-201. Policy.

20-202. Requests for assistance.

20-203. Response to requests for assistance.

20-201. Policy. It shall be the policy of the town to comply with the Local Government Emergency Assistance Act of 1987. (Ord. #148, _____)

20-202. Requests for assistance. (1) The mayor, the chief of police, the fire chief, or in their absence or inability to serve, the vice-mayor, the assistant chief of police or the assistant fire chief may request assistance from any other local government in an emergency situation in which the resources of the town are not, in the opinion of the ranking personnel available, adequate to handle the emergency.

(2) The line of authority shall be as follows:

(a) In any situation, mayor or vice mayor.

(b) In the event of a breach of the peace or the enforcement of a criminal ordinance, statute or law, riot or insurrection, the chief of police or assistant chief of police.

(c) In the event of a fire or natural disaster the fire chief or assistant fire chief.

(3) The request for assistance shall be made first to the nearest local government available to respond and then to other local governments if necessary. (Ord. #148, _____)

20-203. Response to requests for assistance. The above listed individuals may authorize the response to a request made by another local government. Provided; however, in the event of such response adequate personnel and equipment will be retained within the town's city limits to assure the protection of its citizens in the event a response is required during the time personnel or equipment is being provided another local government. (Ord. #148, _____)

¹See Ord. #175, Oct. 1993, in the office of the recorder, for a mutual aid agreement between South Carthage, Gordonsville, and Smith County.

ORDINANCE NO. 99-211**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF SOUTH CARTHAGE TENNESSEE.**

WHEREAS some of the ordinances of the Town of South Carthage are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the Town of South Carthage, 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 "South Carthage Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF SOUTH CARTHAGE, TENNESSEE, THAT:

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

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

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

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

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

¹State law reference

For authority to allow deferred payment of fines, or payment by
(continued...)

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

(...continued)

installments, see Tennessee Code Annotated, § 40-24-101 et seq.

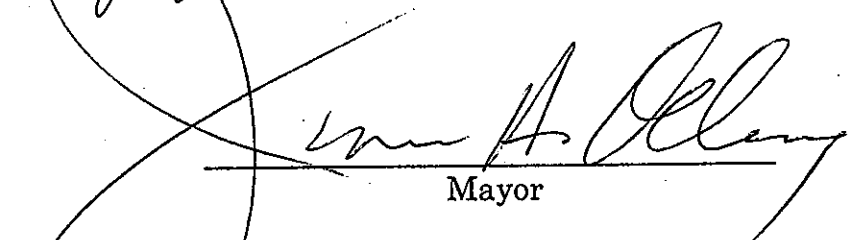
Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

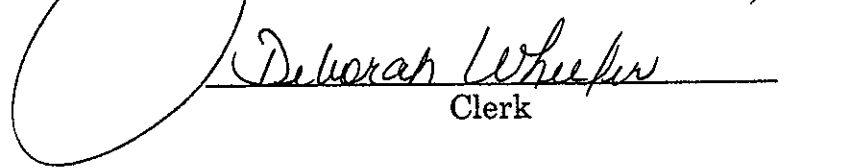
Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, June 03, 1999.

Passed 2nd reading, July 01, 1999.



Mayor



Clerk