

**THE  
SOUTH FULTON  
MUNICIPAL  
CODE**

Prepared by the



**Municipal Technical Advisory Service**

*In cooperation with the Tennessee Municipal League*

May 2022

**CITY OF SOUTH FULTON, TENNESSEE**

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## PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

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

The able assistance of the codes team: Kelley Myers and Nancy Gibson is gratefully acknowledged.

Codification Consultant

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

1. General power to enact ordinances: (6-19-101)
2. All ordinances shall begin, "Be it ordained by the City of South Fulton as follows:" (6-20-214)
3. Ordinance procedure
  - (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.
  - (b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided, that it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.
  - (c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.
  - (d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)
4. Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city. (6-20-218)

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## TITLE 1

### GENERAL ADMINISTRATION<sup>1</sup>

#### CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. RECORDER AND TREASURER.
4. CITY MANAGER.
5. ELECTIONS.
6. WARDS.
7. CODE OF ETHICS.

#### CHAPTER 1

### BOARD OF COMMISSIONERS<sup>2</sup>

#### <sup>1</sup>Charter reference

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

#### Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Water and sewers: title 18.

Zoning: title 14.

#### <sup>2</sup>Charter reference

For detailed provisions of the charter related to the election and to general and specific powers and duties of the board of commissioners, see *Tennessee Code Annotated*, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Appointment and removal of city judge: § 6-21-501.

Appointment and removal of city manager: § 6-21-101.

Compensation of city attorney: § 6-21-202.

Creation and combination of departments: § 6-21-302.

Removal of mayor and commissioners: § 6-20-220.

Subordinate officers and employees: § 6-21-102.

(continued...)

**SECTION**

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

**1-101. Time and place of regular meetings.** The Board of Commissioners of the City of South Fulton shall meet once each month on the third Thursday at the hour of 5:00 P.M.

All future changes to regular meeting times, duties, and procedures to be followed at meetings of the city commission shall be by resolution rather than by ordinance. (Ord. #2003-9, Jan. 2004)

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

- (1) Call to order by the mayor;
- (2) Roll call by the recorder;
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction;
- (4) Grievances from citizens;
- (5) Communications from the mayor;
- (6) Reports from the city manager, committees, members of the board of commissioners, and other officers;
- (7) Old business;
- (8) New business; and
- (9) Adjournment. (1994 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*, shall govern the transaction of business by and before the board of commissioners 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. (1994 Code, § 1-103)

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(...continued)

Taxation

Change tax due dates: § 6-22-113.

Power to levy taxes: § 6-22-108.

Power to sue to collect taxes: § 6-22-115.

## CHAPTER 2

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

#### SECTION

#### 1-201. Duties and powers.

**1-201. Duties and powers.**<sup>2</sup> The mayor shall preside at all meetings of the board of commissioners, sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and perform all acts that may be required of him by any ordinances duly enacted by the board of commissioners, consistent with the charter. (1994 Code, § 1-201)

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<sup>1</sup>Charter reference

For general charter provisions dealing with the election and duties of the mayor and vice mayor, see *Tennessee Code Annotated*, title 6, chapter 20, part 2, particularly §§ 6-20-201 and 6-20-203.

<sup>2</sup>Charter references

For detailed provisions of the charter outlining the election, power and duties of the mayor see *Tennessee Code Annotated*, title 6, chapter 20, part 2, particularly §§ 6-20-209, 6-20-213, and 6-20-219. For specific charter provisions in part 2 related to the following subjects, see the section indicated:

Election: § 6-20-201.

General duties: §§ 6-20-213 and 6-20-219.

May introduce ordinances: § 6-20-213.

Presiding officer: §§ 6-20-209 and 6-20-213.

Seat, voice, and vote on board: § 6-20-213.

Signs journal, ordinances, etc.: § 6-20-213.

## CHAPTER 3

### RECORDER AND TREASURER<sup>1</sup>

#### SECTION

1-301. Duties and powers.

1-302. Paying debts.

**1-301. Duties and powers.** The recorder and treasurer shall perform all administrative and financial duties assigned by the city manager or provided by the board of commissioners consistent with the charter. (1994 Code, § 1-301)

**1-302. Paying debts.** (1) If any contractor, corporation, business entity, employee, or person who is to receive funds when said recipient of city funds owes any utilities, assessments, bad check charges, fees, city court costs, city court fines, or any other charges owed to said city (to include fees charged by the city for mowing unkept lots, and to include costs for removal of dangerous or derelict structures), then in such circumstances, the city recorder shall determine the exact amount owed to the City of South Fulton, and shall subtract said sums from the funds which would otherwise be due to the intended recipient of said funds.

(2) The city recorder will promptly annotate city records to show that the previous indebtedness owed to the city has been paid in full or partially (as the case may be) and will forward any remaining balance to the recipient. The city recorder will forward to the recipient a receipt itemizing the off-setting deduction of funds. (Ord. #2003-8, Sept. 2003)

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<sup>1</sup>Charter references

For charter provisions outlining the duties and powers of the recorder, see *Tennessee Code Annotated*, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see *Tennessee Code Annotated*, title 6, chapter 22, particularly § 6-22-119.

## CHAPTER 4

### CITY MANAGER<sup>1</sup>

#### SECTION

1-401. Duties and powers.

1-402. Limitation on expenditures.

**1-401. Duties and powers.**<sup>2</sup> The city manager shall be the chief administration officer of the city and shall exercise such authority and control over law and ordinance violations, departments, officers, and employees, and city purchases and expenditures as the charter prescribes and shall perform all other duties required of him pursuant to the charter. (1994 Code, § 1-401)

**1-402. Limitation on expenditures.** Pursuant to *Tennessee Code Annotated*, § 6-21-108(8), the city manager is authorized to make purchases without prior approval of the board of commissioners in an amount not to exceed one thousand dollars (\$1,000.00). Purchases made in excess of one thousand dollars (\$1,000.00) without the specific authority of the board of commissioners shall not be binding upon the City of South Fulton. (1994 Code, § 1-402)

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<sup>1</sup>Charter reference

For charter provisions outlining the appointment and removal of the city manager, see *Tennessee Code Annotated*, title 6, chapter 21, part 1, particularly § 6-21-101.

<sup>2</sup>Charter references

For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701, 6-21-704, and 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

**CHAPTER 5****ELECTIONS****SECTION**

1-501. Qualifications.

1-502. Uniform date of elections.

**1-501. Qualifications.** Henceforth upon passage of this section, no person shall vote in South Fulton city elections unless they are a registered voter who lives in the 16th Civil District of Obion County, Tennessee, and has as their residence an address located inside the corporate limits of the City of South Fulton. All persons voting in the city elections in the City of South Fulton, Tennessee shall vote in the ward in which they reside. (1994 Code, § 1-501)

**1-502. Uniform date of elections.** Henceforth the Obion County Election Commission shall conduct elections of city commissioners at the same time that the general election is held every other year for the purpose of electing state officials as well as a representative to the United States Congress. Thus, an election is called to be held on the first Tuesday in November of every even-numbered year for the purpose of electing persons to serve as commissioner for those members of the city commission whose terms are expiring or who otherwise are in need of replacement. (Ord. #2004-2, Feb. 2004)



## CHAPTER 6

### WARDS

#### SECTION

- 1-601. Established.
- 1-602. Population.
- 1-603. Legal description.
- 1-604. Copy of ordinance to Obion County Election Commission.

**1-601. Established.** There is created and established voting districts in the City of South Fulton of substantially equal population based upon the 1990 United States Census of population for the City of South Fulton, Tennessee. (1994 Code, § 1-601)

**1-602. Population.** The population of each district is as follows:

(1)	District 1	--	531
(2)	District 2	--	535
(3)	District 3	--	561
(4)	District 4	--	531
(5)	District 5	--	530

(1994 Code, § 1-602)

**1-603. Legal description.** In compliance with § 6-20-201(b)(3) effective with the November 2008 election, there are hereby created four (4) voting wards in the City of South Fulton. The new boundaries are set forth as follows:

#### WARD 1 (yellow area on map)

Beginning at the intersection of the centerline of Country Club Road with the northern city limit boundary (also known as the Tennessee-Kentucky border), thence proceeding westward along said northern city limit boundary to the intersection with the centerline of Bates Street, thence southward along the centerline of Bates Street to the intersection of the centerline of Key Street, thence eastward to the intersection with the centerline of Taylor Street, thence southward along the centerline of Taylor Street to the Continental National Railroad, thence northward on the Continental Railroad to the eastward connection of the Norfolk Southern Railroad to the intersection of the centerline of Harris Drive, thence southward along centerline of Harris Drive to the intersection of the centerline of Red Devil Drive, thence eastward along the centerline of Red Devil Drive to the intersection of the centerline of Williams Street, thence southward along the centerline of Williams Street to the intersection of the centerline of Red Devil Drive, thence eastward along the centerline of Red Devil Drive to the intersection of the centerline of Broadway

Street, thence southward to the intersection of the centerline of Smith Street, thence southward along the centerline of Smith Street to the intersection of the centerline of Collinwood, thence eastward along the centerline of Collinwood to the intersection of the centerline of Sawyer Street, thence northward along the centerline of Sawyer Street to the intersection of the centerline of Smith Street, thence eastward along the centerline of Smith Street to the intersection of the centerline of Forest Dale, thence northward along the centerline of Forest Dale to the Norfolk Southern Railroad, thence eastwardly and southward along the center of the Norfolk Southern Railroad to the intersection of the centerline of Collinwood Street/Fry Lane, thence eastward along the centerline of Collinwood Street/Fry Lane to the intersection of the centerline of Country Club Road, thence north along the centerline of Country Club Road to the point of beginning.

#### WARD 2 (red area on map)

Beginning at the centerpoint of the intersection of McKinney Road and Cavitt Lane, thence northward along the centerline of Cavitt Lane to the intersection with the Norfolk Railroad tracks, thence generally northward and westward along said railroad tracks to the intersection with the centerline of Forest Dale Avenue, thence southward along the centerline of Forest Dale Avenue to the intersection with the centerline of Smith Street, thence westward along the centerline of Smith Street to the intersection with the centerline of Sawyer Street, thence southward along the centerline of Sawyer Street to the intersection with the centerline of Collinwood Street, thence westward to the intersection with the centerline of Covington Avenue, thence southward along the centerline of Covington Avenue to the intersection with the centerline of Paducah Street, thence eastward to the intersection with the centerline of Forest Dale Avenue, thence southward along the centerline of Forest Dale Avenue to the intersection with the centerline of McKinney Road, thence eastward along the centerline of McKinney Road to the point of beginning.

#### WARD 3 (blue area on map)

Beginning at the centerline of the intersection of Broadway Street and John C. Jones Parkway (also known as Highway 45E), thence generally westward along the centerline of John C. Jones Parkway to the intersection with the Continental National Railroad, thence northeast to north and northeast split and continuing north along said railroad to the centerline of the northern city limit boundary (also known as the Tennessee-Kentucky border or State Line Road), thence eastward along the centerline of northern city limit boundary to the intersection of the centerline of Bates Street, thence south along the centerline of Bates Street to the intersection of the centerline of Key Street, thence east along the centerline of Key Street to the intersection of the

centerline of Taylor Street, thence south along the centerline of Taylor Street to the centerline of the Continental National Railroad, thence north along the Continental National Railroad to the north and east split of the Continental National Railroad, continuing east along said railroad to the intersection of the centerline of Harris Drive, thence southward along the centerline of Harris Drive to the intersection of the centerline of Red Devil Drive, thence eastward along the centerline of Red Devil Drive to the intersection of the centerline of Williams Street, thence south along the centerline of Williams Street to the intersection at the centerline of Red Devil Drive, thence east along the centerline of Red Devil to the intersection at the centerline of Broadway Street; thence south along the centerline of Broadway Street to the intersection at the centerline of Smith Street, thence east along the centerline of Smith Street to the intersection at the centerline of Central Street, thence south along the centerline of Central Street to the intersection at the centerline of Collinwood Street, thence west along the centerline of Collinwood Street to the intersection at the centerline of Broadway Street, thence south along the centerline of Broadway Street to the intersection at the centerline of John C. Jones Parkway and the point of beginning.

#### WARD 4 (green area on map)

Beginning at the centerpoint of the intersection of Collinwood Street and Broadway Street, thence generally southward along the centerline of Broadway Street to the intersection with the centerline of the John C. Jones Parkway (also known as Highway 45E), thence generally westward along the centerline of the John C. Jones Parkway to the intersection with the Continental National Railroad tracks, thence generally northward and eastward along said railroad tracks to the intersection with the centerline of West State Line Road (also known as the Tennessee-Kentucky border), thence westward along the centerline of West State Line Road to the intersection with the centerline of Rogers Road, thence southward along the centerline of Rogers Road to the corporate city limit located immediately north of U.S. Highway 51, thence generally eastward along the irregularly shaped city limit line to the centerpoint of the intersection of McKinney Road and Honey Locust Street, thence westward along centerline of McKinney Road to the intersection with the centerline of Forest Dale Avenue, thence northward along the centerline of Forest Dale Avenue to the intersection with the centerline of Paducah Street, thence westward along the centerline of Paducah Street to the intersection with the centerline of Covington Avenue, thence northward along the centerline of Covington Avenue to the intersection with the centerline of Collinwood Street, thence westward along the centerline of Collinwood Street to the point of beginning. (Ord. #2007-5, June 2007)

**1-604. Copy of ordinance to Obion County Election Committee.**

The Obion County Election Commission shall receive a copy of the ordinance codified herein and that the Obion County Election Commission is hereby requested to set up and provide instruction for election by districts at the earliest time possible. (1994 Code, § 1-604)

## CHAPTER 7

### CODE OF ETHICS

#### SECTION

- 1-701. Applicability.
- 1-702. Definitions.
- 1-703. Disclosure of personal interest of official with vote.
- 1-704. Disclosure of personal interest in non-voting matters.
- 1-705. Acceptance of gratuities, etc.
- 1-706. Use of information.
- 1-707. Use of municipal time, facilities, etc.
- 1-708. Use of position or authority.
- 1-709. Outside employment.
- 1-710. Ethics complaints.
- 1-711. Violations and penalty.

**1-701. Applicability.** This code of ethics adopted by ordinance applies to all full-time and part-time, compensated or non-compensated, elected and appointed officials, employees, and members of any and all boards, authorities, and commissions created by the City of South Fulton, Tennessee. In situations, which a personal interest is also a conflict of interest under state law, the provisions of the state law shall take precedence over the provisions of this code of ethics. (Ord. #2006-11, Oct. 2006)

**1-702. Definitions.** (1) "Employment interest." Includes, but not limited to, any situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(2) "Personal interest."

(a) Includes, but not limited to, any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interest;

(b) Includes, but not limited to, any financial, ownership, or employment interest in a matter to be regulated or supervised; and/or

(c) Includes, but not limited to, any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(Ord. #2006-11, Oct. 2006)

**1-703. Disclosure of personal interest of official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable

person to infer that it affects the official's vote on the measure. In addition, the official may recuse him/herself from voting on the measure. (Ord. #2006-11, Oct. 2006)

**1-704. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #2006-11, Oct. 2006)

**1-705. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #2006-11, Oct. 2006)

**1-706. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #2006-11, Oct. 2006)

**1-707. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (Ord. #2006-11, Oct. 2006)

**1-708. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for him/herself or other that are not authorized by charter, general law, ordinance, or policy of the municipality. (Ord. #2006-11, Oct. 2006)

**1-709. Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (Ord. #2006-11, Oct. 2006)

**1-710. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(3) When a violation of this code of ethics also constitutes a violation of a personal policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #2006-11, Oct. 2006)

**1-711. Violations and penalty.** An elected official or appointed member of a separate municipal board, commission, committee, authority,

corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #2006-11, Oct. 2006)



**TITLE 2****BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. PARK AND RECREATION BOARD.****CHAPTER 1****PARK AND RECREATION BOARD****SECTION**

2-101. Established.

2-102. Composition.

2-103. Duties.

**2-101. Established.** There is hereby created the City of South Fulton Park and Recreation Board. (Ord. #2014-02, June 2014)

**2-102. Composition.** The board shall consist of five (5) members, who shall be appointed by the mayor and board of commissioners for terms of four (4) years, and shall serve until their successors are appointed. The initial appointments to this commission shall be as follows: three (3) members shall be appointed for terms of four (4) years; and two (2) members shall be appointed for terms of three (3) years. Vacancies shall be filled for the expiration of the term. All members shall serve without compensation. (Ord. #2014-02, June 2014)

**2-103. Duties.** The board shall plan, coordinate, and develop programs to meet the recreational needs within the City of South Fulton. Said board will make recommendations as to funds needed for recreational and athletic programs and the use of city facilities subject to approval by the mayor and board of commissioners. Said board has no authority to expend city funds. (Ord. #2014-02, June 2014)

## TITLE 3

### MUNICIPAL COURT<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

#### CITY JUDGE

#### SECTION

3-101. City judge.

**3-101. City judge.** (1) Appointment. The city judge designated by the charter to handle judicial matters within the city shall be a licensed attorney appointed by the board of commissioners and shall serve at the pleasure of the governing body. Vacancies in the office of the city judge arising from resignation,

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#### <sup>1</sup>Charter references

For provisions of the charter governing the city judge and city court operations, see *Tennessee Code Annotated*, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

##### City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

##### Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

##### City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the city judge.

(2) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of commissioners may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge.

## 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. Electronic citation regulations and fees.

**3-201. Maintenance of docket.** The city clerk 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; and all other information that may be relevant. (1994 Code, § 3-201, modified)

**3-202. Imposition of fines, penalties, and costs.** All fines, penalties, and cost shall be imposed and recorded by the city on the city court docket in open court. The court cost for an individual ticket or prosecution in the municipal court for the City of South Fulton to be added to the fine and litigation tax or other assessments by the State of Tennessee shall be one hundred five dollars (\$105.00). (Ord. #2019-08, Jan. 2020)

**3-203. Disposition and report of fines, penalties, and costs.** All funds coming into the hands of the city clerk in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month, he shall submit to the board of commissioners 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. (1994 Code, § 3-203, modified)

**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. (1994 Code, § 3-204, modified)

**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. (1994 Code, § 3-205)

**3-205. Electronic citation regulation and fees.** (1) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(2) Pursuant to and in accordance with state statutory requirements found in *Tennessee Code Annotated*, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction.

(3) Sunset provision. Electronic citation regulations and fees and its fee requirement shall terminate five (5) years from the date of adoption of this ordinance (1/16/20) and the city's code shall be so annotated (Ord. #2019-08, Jan. 2020)

## CHAPTER 3

### WARRANTS, SUMMONSES, AND SUBPOENAS

#### SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

**3-301. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge may, in his discretion, 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. (1994 Code, § 3-302, modified)

**3-302. 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. (1994 Code, § 3-303)

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

**3-401. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1994 Code, § 3-402)

**3-402. Bond amounts, conditions, and forms.** An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1994 Code, § 3-403, modified)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 27-5-101.

## CHAPTER 5

### FINES AND COURT COSTS

#### SECTION

3-501. Policy.

3-502. Fee schedule.

**3-501. Policy.** Individuals who have been cited for violation of a city ordinance have the option of prepaying the citation with the city recorder any time prior to the day the offense is scheduled to be heard in city court. Under no circumstances will any person with a speeding ticket in excess of twenty (20) mph be given any reduction in payment of the maximum fine and court costs. Nothing in this section is to be interpreted as requiring any fine for any offense or any specific amount of a fine for any offense. If a person is found to have committed any offense or violation, the city judge is authorized to determine any amount of a fine from \$0.00 to the maximum, as stated by the fees and fines resolution. (Ord. #2007-3, June 2007)

**3-502. Fee schedule.** The Board of Commissioners of the City of South Fulton, Tennessee, does hereby adopt the following schedule of court costs, maximum fines, and fees for the offenses and violations, including, but not limited to, the list below.

	Fine	CC	Total
Speeding (mph)			
0-20	40.00	80.00	120.00
21-above	50.00	80.00	130.00

	Fine	CC
Cursing officer	40.00	80.00
Discharging firearm	40.00	80.00
Disorderly conduct	40.00	80.00
Disturbing peace	40.00	80.00
Dog tag	\$10.00 annual, no prorated	
Fail to appear	40.00	80.00



False emergency alarm	40.00	80.00
Fighting	40.00	80.00
Gambling	40.00	80.00
Imp. use mult. lights	40.00	80.00
Improper parking/illegal parking	25.00	40.00
Improper turn/improper takeoff	40.00	80.00
Invalid registration	40.00	80.00
Lewdness	40.00	80.00
Littering	40.00	80.00
Loitering	40.00	80.00
Loose dog	\$40.00	\$80.00
- First offense (non-dangerous)	\$10.00 impound fee	\$5.00/day boarding
- Second offense (non-dangerous)	\$10.00 impound fee	\$5.00/day boarding
Loud music	40.00	80.00
Malicious mischief	40.00	80.00
No city sticker	25.00	40.00
Possession liquor/untaxed liquor/open beer	40.00	80.00
Reckless driving	50.00	80.00
Replacement tag	\$3.00, no prorate	
Sell beer after hours	40.00	80.00
Stop sign violation/fail to yield/fail to maintain/following too close	40.00	80.00

Unn. noise/pass on rt./pass on yellow/pass in no pass zone/missile throwing	40.00	80.00
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All other offenses for which court costs and maximum fine have not been established, herein be as follows:

- (1) Maximum fine - fifty dollars (\$50.00); and
- (2) Court costs - eighty dollars (\$80.00).

The above fines are the maximum that can be adjudged for any single offense. (Ord. #2009-01, March 2009)

**TITLE 4****MUNICIPAL PERSONNEL****CHAPTER**

1. SOCIAL SECURITY.
2. MISCELLANEOUS PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL REIMBURSEMENT REGULATIONS.

**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.
- 4-106. Exclusions of coverage due to another retirement system.
- 4-107. Exclusion of coverage due to lack of authorization.

**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1994 Code, § 4-101)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1994 Code, § 4-102)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees 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. (1994 Code, § 4-103)

**4-104. Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1994 Code, § 4-104)

**4-105. Records and reports to be made.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1994 Code, § 4-105)

**4-106. Exclusion of coverage due to another retirement system.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee now covered or authorized to be covered by another ordinance creating any retirement system for any employee of the city. (1994 Code, § 4-106)

**4-107. Exclusion of coverage due to lack of authorization.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee not authorized to be covered by applicable state or federal laws or regulations. (1994 Code, § 4-107)

**CHAPTER 2****MISCELLANEOUS PERSONNEL REGULATIONS<sup>1</sup>****SECTION**

4-201. Business dealings.

4-202. Political activity.

4-203. Mandatory retirement age.

**4-201. 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. (1994 Code, § 4-201)

**4-202. Political activity.** Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign when on duty. These restrictions shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1994 Code, § 4-204, modified)

**4-203. Mandatory retirement age.** When an employee of the City of South Fulton reaches the age of sixty-five (65), it shall be mandatory for that person to retire. (1994 Code, § 4-208)

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<sup>1</sup>Municipal code reference

Code of ethics, title 1, chapter 7: §§ 1-705, 1-707, 1-708 and 1-709.

## CHAPTER 3

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

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

**4-301. Title.** This chapter shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of South Fulton. (Ord. #2013-01, March 2013)

**4-302. Purpose.** The South Fulton City Commission, in electing to update the established program plan, will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement;
  - (b) Continually analyze the worksite to identify all hazards and potential hazards;
  - (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;
- (3) Record, keep, preserve, and make available to the commissioner of labor and workforce development, or persons within the department of labor and workforce development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required;
- (4) Consult with the commissioner of labor and workforce development with regard to the adequacy of the form and content of records;
- (5) Consult with the commissioner of labor and workforce development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state;

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #2013-01, March 2013)

**4-303. Coverage.** The provisions of the occupational safety and health program plan for the employees of South Fulton shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #2013-01, March 2013)

**4-304. Standards authorized.** The occupational safety and health standards adopted by the City of South Fulton 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 § 6 of the Tennessee Occupational Safety and Health Act of 1972 (*Tennessee Code Annotated*, title 50, chapter 3). (Ord. #2013-01, March 2013)

**4-305. Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Variances from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by *Tennessee Code Annotated*, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #2013-01, March 2013)

**4-306. Administration.** For the purposes of this chapter, the Fire Chief is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, Chapter 0800-01-05, as authorized by *Tennessee Code Annotated*, title 50. (Ord. #2013-01, March 2013)

**4-307. Funding the program plan.** Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the City of South Fulton. (Ord. #2013-01, March 2013)



## CHAPTER 4

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

- 4-401. Enforcement.
- 4-402. Travel policy.
- 4-403. Travel reimbursement rate schedules.
- 4-404. Administrative procedures.

**4-401. Enforcement.** The Chief Administrative Officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these regulations. (1994 Code, § 4-401)

**4-402. Travel policy.** (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the city business for which travel was authorized; and

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

(8) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (1994 Code, § 4-402)

**4-403. Travel reimbursement rate schedules.** Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (1994 Code, § 4-403)

**4-404. Administrative procedures.** The city adopts and incorporates by reference, as if fully set out herein, the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (1994 Code, § 4-404)

## TITLE 5

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

#### CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. HOTEL/MOTEL TAX.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 5-101. Official depositories for city funds.
- 5-102. Fiscal year of the city.
- 5-103. City manager's purchasing authority.
- 5-104. Purchasing limits.

**5-101. Official depositories for city funds.**<sup>2</sup> The following banks are designated as official depositories for the funds of the City of South Fulton in such accounts as the board of commissioners may from time to time designate by resolution:

Security Bank and Trust of Fulton, Kentucky, and  
Citizens Bank of Fulton, Kentucky.

The city manager shall ascertain and so advise the board of commissioners if any of the designated depositories do not meet the standards imposed by *Tennessee Code Annotated*, § 6-22-102. (1994 Code, § 5-101, modified)

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<sup>1</sup>Charter reference

Finance and taxation: title 6, chapter 22.

<sup>2</sup>Charter reference

*Tennessee Code Annotated*, § 6-22-120 prescribes depositories for city funds.

**5-102. Fiscal year of the city.** The fiscal year for the City of South Fulton shall begin on the first day of July and shall end on the last day of June (inclusive) of the year thereafter.<sup>1</sup> (1994 Code, § 5-102)

**5-103. City manager's purchasing authority.** (1) City manager's purchasing authority. The South Fulton City Manager shall comply with the following regulations when making routine purchases on behalf of the city:

(a) The city manager may only expend public funds for goods and services approved in the annual budget of the city, and amendments thereto.

(b) The city manager shall not spend more than five thousand dollars (\$5,000.00) on any single purchase without the prior consent of the city commission.

(c) In all cases, the city manager shall comply with the provisions of the city's purchasing policy as follows: that in accordance with *Tennessee Code Annotated*, § 6-19-104, the city manager shall be responsible for all city purchasing.

(i) The city manager may make budgeted purchases of up to five thousand dollars (\$5,000.00) without competitive bidding.

(ii) Budget purchases between five thousand dollars (\$5,000.00) and seven thousand five hundred dollars (\$7,500.00) shall be done on a comparative basis by getting a minimum of three (3) price quotes.

(iii) Budget purchases between seven thousand five hundred dollars (\$7,500.00) and ten thousand dollars (\$10,000.00) shall be reviewed by the city commission prior to any action.

(iv) Budget purchases in excess of ten thousand dollars (\$10,000.00) shall be undertaken by competitive sealed bids and reviewed by the commission prior to award.

(v) Any non-budget expenditure in excess of five thousand dollars (\$5,000.00) shall be reviewed by the commission prior to action. If this policy restricts the timely obtaining of necessary services, supplies, or equipment and three (3) bids cannot be obtained; the city commission can by voice vote override these requirements. All expenditures made pursuant to this policy shall be promptly reported to the city commission.

(2) Exceptions for emergencies. In the event of a bona fide emergency occurring within the city limits of South Fulton, such

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<sup>1</sup>Charter reference

*Tennessee Code Annotated*, § 6-22-121 provides that the fiscal year of the city shall begin on July 1 unless otherwise provided by ordinance.

emergency being declared by the mayor or his successor, the city manager is authorized to exceed the five thousand dollar (\$5,000.00) spending limit specified in subsection (1) above. (Ord. #2009-02, April 2009)

**5-104. Purchasing limits.** (1) Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of twenty-five thousand dollars (\$25,000.00) except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Act of 1983.

(2) Three (3) written quotations are required whenever possible for purchases costing less than the twenty-five thousand dollars (\$25,000.00) bid threshold adopted for competitive bidding and public advertisement, but more than forty percent (40%) ten thousand dollars (\$10,000.00) of the threshold amount. (Ord. #2023-03, Oct. 2023)

## CHAPTER 2

### REAL PROPERTY TAXES<sup>1</sup>

#### SECTION

5-201. When due and payable.

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

**5-201. When due and payable.**<sup>2</sup> Taxes levied by the city against real property shall become due and payable to the City of South Fulton on the first day of October of the year. (1994 Code, § 5-201, modified)

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<sup>1</sup>State 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.

*Tennessee Code Annotated*, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of one-half of one percent (0.5%) and interest of one percent (1%) shall be added on the first day of March, following the tax due date and on the first day each succeeding month.

<sup>2</sup>Charter references

*Tennessee Code Annotated*, § 6-22-110 sets the due date of November 1 of the year for which the taxes are assessed, but *Tennessee Code Annotated*, § 6-22-113 provides that a different tax due date may be set by ordinance (by unanimous vote of the board of commissioners.)

**5-202. ~~When delinquent--penalty and interest.~~**<sup>1</sup> On the first day of March following the due date of taxes, a penalty of two percent (2%) upon all taxes remaining unpaid shall be imposed. An alternate penalty of two percent (2%) shall be added the first day of each month thereafter for twelve (12) months. (1994 Code, § 5-202)

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<sup>1</sup>Charter reference

*Tennessee Code Annotated*, § 6-22-112 sets the tax delinquency of December 1 of the year for which the taxes are assessed, but *Tennessee Code Annotated*, § 6-22-113 provides that a different delinquent date may be set by ordinance (by unanimous vote of the board of commissioners).

## CHAPTER 3

### PRIVILEGE TAXES

#### SECTION

5-301. Tax levied.

5-302. License required.

5-303. Exemption.

**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 city at the rates and in the manner prescribed by the act. (1994 Code, § 5-301)

**5-302. License required.** No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1994 Code, § 5-302)

**5-303. Exemption.** Any person whose place of business is located in or based within the corporate limits of the City of Fulton, however, shall be exempted from the requirements of this chapter so long as they have a valid occupational license for said business from Fulton, Kentucky. (1994 Code, § 5-303)



## 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 city of the wholesale beer tax levied by the Wholesale Beer Tax Act, as set out in *Tennessee Code Annotated*, title 57, chapter 6.<sup>1</sup> (1994 Code, § 5-401)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 57-6-103, provides for a tax on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

**CHAPTER 5****HOTEL/MOTEL TAX****SECTION**

5-501. Tax levied.

5-502. Proceeds to be placed in the general fund.

5-503. City recorder to collect.

5-504. Mayor to accept suits.

**5-501. Tax levied.** The tax is to be five percent (5%) of the consideration charged each transient. (1994 Code, § 5-501)

**5-502. Proceeds to be placed in the general fund.** The proceeds received by the city shall be placed in the general fund of the city and are to be used for the benefit of the citizens of South Fulton, Tennessee. (1994 Code, § 5-502)

**5-503. City recorder to collect.** The city recorder shall be the collector of this occupancy tax, and shall have the duty to collect this occupancy tax and shall have the duty to deposit the proceeds in the general fund of the City of South Fulton, Tennessee. (1994 Code, § 5-503)

**5-504. Mayor to accept suits.** The Mayor of the City of South Fulton, Tennessee shall be the officer to accept service of any suit brought in accordance with *Tennessee Code Annotated*, § 67-4-1410. (1994 Code, § 5-504)

## TITLE 6

### LAW ENFORCEMENT<sup>1</sup>

#### CHAPTER

#### 1. POLICE AND ARREST.

#### CHAPTER 1

### POLICE AND ARREST

#### SECTION

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

**6-101. Police officers subject to chief's orders.** Police officers shall obey and comply with such orders and administrative rules and regulations as the chief of police may officially issue. (1994 Code, § 6-101)

**6-102. Police officers to preserve law and order, etc.** Police officers shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (1994 Code, § 6-102)

**6-103. Police officers to wear uniforms and be armed.** Police officers shall wear such uniform and badge as the board of commissioners shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief of police for a special assignment. (1994 Code, § 6-103)

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<sup>1</sup>Charter reference

Police chief and police department: §§ 6-21-601 to 6-21-604.

Municipal code reference

Department of public safety: title 20, chapter 1.

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

- (1) Whenever he is in possession of a warrant for the arrest of the person;
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person; or
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1994 Code, § 6-104)

**6-105. Police officers may require assistance in making arrests.** It shall be unlawful for any person to willfully refuse to aid a police officer in making a lawful arrest when such a person's assistance is requested by the police officer and is reasonably necessary to effect the arrest. (1994 Code, § 6-105, modified)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested for any offense, other than one involving drunkenness, he shall be brought before a court of competent jurisdiction for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1994 Code, § 6-106, modified)

**6-107. Police department records.** The safety 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 police officers; and
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the department. (1994 Code, § 6-107)

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<sup>1</sup>Municipal code reference

Issuance of traffic citations: title 15, chapter 7.

**TITLE 7**

**FIRE PROTECTION AND FIREWORKS**

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. MUTUAL AID AGREEMENTS.
5. RURAL FIRE SERVICE.
6. OPEN BURNING

**CHAPTER 1**

**FIRE DISTRICT**<sup>1</sup>

**SECTION**

7-101. Fire district designated.

**7-101. Fire district designated.** The corporate fire district shall be the area zoned B-2 (Central Business District) on the official zoning map of the city.<sup>2</sup> (1994 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility, and residential codes: title 12.

<sup>2</sup>The zoning ordinance and the zoning map are of record in the recorder's office.

## CHAPTER 2

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

#### SECTION

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

**7-201. Fire code adopted.** Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the *International Fire Code*,<sup>2</sup> 1994 edition with 1995 revisions, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city 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. (1994 Code, § 7-201, modified)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the director of public safety. He shall have the same powers as the state fire marshal. (1994 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 City of South Fulton, Tennessee. (1994 Code, § 7-203)

**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, is hereby declared to be the fire district as set out in § 7-101 of this code.

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<sup>1</sup>Municipal code reference

Building, utility, and residential codes: title 12.

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

(2) The district 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, is hereby declared to be the fire district as set out in § 7-101 of this code.

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

(4) The district referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in § 7-101 of this code. (1994 Code, § 7-204)

**7-205. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1994 Code, § 7-205)

**7-206. Variances.** The chief of the fire department may recommend to the board of commissioners 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 commissioners. (1994 Code, § 7-206)

**7-207. Violations and penalty.** It shall be unlawful for any person to violate any of the provisions of this chapter or the fire code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of commissioners 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. (1994 Code, § 7-207, modified)

## CHAPTER 3

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

#### SECTION

- 7-301. Establishment and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.

**7-301. Establishment and membership.** There is hereby established a fire department. The department shall be composed of a chief of the fire department appointed by the city manager and such number of physically-fit subordinate public safety officers as the city manager shall appoint. (1994 Code, § 7-301)

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#### <sup>1</sup>Charter references

For detailed charter provisions governing the operation of the fire department, see *Tennessee Code Annotated*, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

##### Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

Fire marshal: § 6-21-704

##### Fire fighters

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

#### Municipal code reference

Department of public safety: title 20, chapter 1.

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



**7-302. Objectives.** The fire department shall have as its objectives, in addition to those contained in title 20, chapter 1 of this code, the following:

- (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; and
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1994 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 department. (1994 Code, § 7-303)

**7-304. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the city manager once each month, and at the end of the year a detailed annual report shall be made. (1994 Code, § 7-304)

**CHAPTER 4****MUTUAL AID AGREEMENTS****SECTION**

7-401. Mutual aid agreements.

**7-401. Mutual aid agreements.** The Mayor of South Fulton, Tennessee is authorized and empowered to enter into "Mutual Aid Fire Protection Interlocal Agreements" on behalf of the City of South Fulton.

The city manager is designated and directed to be the official representative of the City of South Fulton to the joint board created to carry out the power of such mutual aid agreements as provided for herein. (1994 Code, § 7-401)

## CHAPTER 5

### RURAL FIRE SERVICE

#### SECTION

- 7-501. Title.
- 7-502. Service area.
- 7-503. Fees.
- 7-504. List of subscribers.
- 7-505. Response by priority.
- 7-506. Scope.
- 7-507. Fire alarms.
- 7-508. City to answer calls requested by state and local law enforcement.
- 7-509. Public notification.
- 7-510. Duties of fire chief.
- 7-511. Properties not covered under rural fire protection service.

**7-501. Title.** "Rural Fire Service" will be the title for this chapter. (Ord. #2012-01, March 2012)

**7-502. Service area.** The rural fire district will extend five (5) miles outside the radius of the city limits, however, will not extend north of the Tennessee state boundary. (Ord. #2012-01, March 2012)

**7-503. Fees.** Individuals wishing to participate in the rural program shall be required to pay an annual rural fire sendee fee of seventy-five dollars (\$75.00). The fire department will answer fire calls to the subscribed property for a service charge of seven hundred and fifty dollars (\$750.00) per call. Any and all fees and/or dues are non-refundable. Future fees will be changed by resolution adopted by the board of commissioners. The program year shall be from August 1st through July 31st. Payment for service will be accepted from July 1st through July 15th. A grace period of two (2) weeks will be allowed before subscriptions become delinquent. A twenty-five dollar (\$25.00) administrative fee will be added to delinquent payments. New participants subscribing to the program after August 1st will be charged a prorated amount of six dollars and twenty-five cents (\$6.25) per month for each month before the next due date. Subscribers as of the effective date of this chapter will, for the remainder of this subscription year, pay a five hundred dollar (\$500.00) service charge, if a fire call is made before August 1st, 2012. (Ord. #2012-01, March 2012)

**7-504. List of subscribers.** A list of subscribers will be provided upon request and upon payment of copy fees. (Ord. #2012-01, March 2012)

**7-505. Response by priority.** Properties within the city limits shall be priority status for response if or when two (2) or more requests for responses are required. Additionally, personnel and apparatus will not be dispatched to a rural fire when, in the opinion of the fire chief, forces are not available due to response within the city corporate limits. (Ord. #2012-01, March 2012)

**7-506. Scope.** To be eligible for rural fire protection, a property owner must make an annual non-refundable rural fire service fee payment of seventy-five dollars (\$75.00) for each piece of property to be covered. Each deposit will cover one (1) residential or commercial structure and those accessory buildings incidental to the use of the primary structure. The deposit remains with the property and cannot be transferred if the property is sold. Mobile home parks containing three (3) or less mobile homes on one (1) lot and one (1) ownership will be considered as one (1) structure. Mobile home parks containing four (4) or more units under one (1) ownership on one (1) lot will be assessed twenty-five dollars (\$25.00) per unit and subject to all requirements as stated.

The fire department will answer rural fire service calls to vehicles. A fee of seven hundred fifty dollars (\$750.00) per call will be billed to the vehicle owner.

The seventy-five dollar (\$75.00) service fee will be collected at the South Fulton City Hall; a receipt will be given for same, and these funds will be deposited into the City of South Fulton General Fund. Partial payments will not be accepted. (Ord. #2012-01, March 2012)

**7-507. Fire alarms.** Rural subscribers are allowed one (1) false alarm call per year from an automated fire alarm home security system without being charged for a service call. Subsequent false alarm calls will be billed a service charge of seven hundred fifty dollars (\$750.00). (Ord. #2012-01, March 2012)

**7-508. City to answer calls requested by state and local law enforcement.** The city will answer service calls in case of highway accident and/or fires involving lives or damage to state property at the request of the Tennessee State Highway Patrol or the sheriff's department. (Ord. #2012-01, March 2012)

**7-509. Public notification.** The City of South Fulton will make every effort to inform rural citizens through available media outlets and present subscribers to be notified individually, annually when dues become payable. (Ord. #2012-01, March 2012)

**7-510. Duties of fire chief.** The fire chief or designee shall be responsible for compiling a list of authorized rural fire service subscribers. The fire chief shall be responsible for updating the subscriber list as needed. The fire

chief will also be responsible to inform the proper insurance agent of the fire call and to ensure timely collection of the service fee. Within forty-eight (48) hours of the fire apparatus returning from a rural call, the fire chief shall submit a reminder to bill to the city recorder's office. City hall personnel will prepare and mail a statement for seven hundred fifty dollars (\$750.00) to the property owner and the balance will be treated as any other accounts receivable of the City of South Fulton. (Ord. #2012-01, March 2012)

**7-511. Properties not covered under rural fire protection service.**

In the event the South Fulton Fire Department responds to a fire call at a property not covered under the rural fire protection service, including properties where the owner has failed to renew, a fee of three thousand five hundred dollars (\$3,500.00) instead of the seven hundred fifty dollars (\$750.00) will be charged to the owner of said property. Failure to pay the three thousand five hundred dollar (\$3,500.00) fee may result in all legal measures available to the City of South Fulton, including the placing of liens against the property for the collection of said fee and all associated fees incurred in the collection process. (Ord. #2012-01, March 2012)

## CHAPTER 6

### OPEN BURNING

#### SECTION

- 7-601. Burning prohibited.
- 7-602. Types of fires requiring written permit.
- 7-603. Process for acquiring a written permit.
- 7-604. Regulations concerning burning.
- 7-605. Prohibitions.

**7-601. Burning prohibited.** No persons shall burn trash, rubbish, construction materials, or any other substance within the city limits except as described below. (Ord. #2005-2, March 2005)

**7-602. Types of fires requiring written permit.** (1) Fires for the destruction of natural vegetation, which has been cut and stacked as a result of a construction clean up.

(2) Fires for large outdoor gatherings involving a controlled bonfire.

(3) Fires for burning of building materials may be allowed depending on the quantity of materials and the types of materials to be burned. No plastics, rubber, or asphalt materials shall be burned. Determination must be made by the South Fulton Fire Department on a case-by-case basis as to when building and building materials may be burned.

(4) Fires for the destruction of yard waste, defined as leaves, grass clippings, limbs, brush, and/or any growth gathered within the course of regular maintenance of a residential parcel of land.

(5) Fires will be allowed at the city burn site when wind conditions will disperse smoke. City public works employees will monitor said fires. (Ord. #2005-2, March 2005)

**7-603. Process for acquiring a written permit.** The applicant shall call the City of South Fulton Fire Department and request a permit for burning. The on-duty fire department employee will respond to the location where the permit has been requested. The permit shall include:

(1) The type of materials to be burned;

(2) The location of the fire;

(3) The individual(s) designated as being responsible for controlling the fire shall sign for the permit; and

(4) A statement that throughout the burning, a garden hose of sufficient length will be maintained for immediate use in assisting and controlling the fire by the persons responsible for controlling said burning or a statement that a paid visit or voluntary standby of fire department personnel will be responsible for controlling the fire. (Ord. #2005-2, March 2005)

**7-604. Regulations concerning burning.** (1) A competent person shall constantly attend all fires, until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use (pursuant to adopted building code).

(2) All material to be burned must be dry and in all other respects be in a state to sustain good combustion.

(3) Excluding fires for large outdoor gatherings, burning will only be permitted during the hours of 8:00 A.M. through 6:00 P.M. during the winter season and during the hours of 8:00 A.M. through 8:00 P.M. during the spring and summer seasons. Fires must be fully extinguished by given ending hours.

(4) No fee shall be required to obtain an outdoor burning permit. However, in certain circumstances, the city may allow burning when fire department personnel are present with equipment and a fee will be charged. The cost or fee for such service, if any, shall be set by resolution by the board of commissioners. If the fire department must respond with personnel and equipment as a result of a violation of this chapter, the City of South Fulton will charge the burning permit holder an appropriate fee as set by the board of commissioners through a resolution.

(5) All fires shall be available for inspection throughout the period burning is in progress.

(6) The permit shall only be valid for the day when the approval has been granted. Written permits will not be granted more than six (6) hours in advance of the intended burning time. A permit may be cancelled if wind and weather conditions change so that continued burning would create an unnecessary hazard. The fire department may prohibit any and or all burning when atmospheric conditions or local circumstances make such fixes inadvisable (pursuant to the adopted building code).

(7) All material to be burned must be dry and in all other respects in a state to sustain good combustion.

(8) All material to be burned must be a product of the property where the burning is to take place.

(9) The granting of permission to burn within the city limits of South Fulton shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries, or claims resulting from such burning. (Ord. #2005-2, March 2005)

**7-605. Prohibitions.** (1) Open burning is expressly prohibited on all commercial and industrial building sites.

(2) Open burning shall not be allowed on the premises of an apartment complex. This shall include the use of portable charcoal, natural gas, or liquid propane gas fired grills located on balconies of apartments. (Ord. #2005-2, March 2005)

## TITLE 8

### ALCOHOLIC BEVERAGES<sup>1</sup>

#### CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

#### CHAPTER 1

### INTOXICATING LIQUORS<sup>2</sup>

#### SECTION

- 8-101. Alcoholic beverages subject to regulation.
- 8-102. Consumption of alcoholic beverages on-premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the recorder.
- 8-105. Concurrent sales of liquor by the drink and beer.
- 8-106. Advertisement of alcoholic beverages.
- 8-107. Violations and penalty.

**8-101. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting or distributing, or to purchase or possess alcoholic beverages within the corporate limits of this town except as provided by *Tennessee Code Annotated*, title 57.

**8-102. Consumption of alcoholic beverages on-premises.** *Tennessee Code Annotated*, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of South Fulton, Tennessee. It is the intent of the city council that the said *Tennessee Code Annotated*, title 57, chapter 4, inclusive, shall be

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<sup>1</sup>Municipal code reference

Minors in beer places, etc.: title 11, chapter 1.

State law reference

*Tennessee Code Annotated*, title 57.

<sup>2</sup>State law reference

Employee and server permits: *Tennessee Code Annotated*, § 57-3-701, *et seq.*



effective in the City of South Fulton, the same as if said code sections were copied herein verbatim.

**8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in *Tennessee Code Annotated*, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by *Tennessee Code Annotated*, title 57, chapter 4, section 301,) for the City of South Fulton to be paid annually as provided in the chapter, upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of South Fulton of alcoholic beverages for consumption on the premises where sold.

**8-104. Annual privilege tax to be paid to the recorder.** Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of South Fulton shall remit annually to the recorder the appropriate tax described in § 8-103. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law.

**8-105. Concurrent sales of liquor by the drink and beer.** Any person, firm, corporation, joint stock company, syndicate, or association which has received a license to sell alcoholic beverages in the City of South Fulton, pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall, notwithstanding § 8-216 of the ordinances of the City of South Fulton, qualify to receive a beer permit from the town upon compliance of all requirements.

**8-106. Advertisement of alcoholic beverages.** All advertisement of the availability of liquor for sale by those licensed pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission.

**8-107. Violations and penalty.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission.

## CHAPTER 2

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

#### SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Limitation on number of permits.
- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
- 8-213. Curbside sale of beer.
- 8-214. Revocation or suspension of beer permits.
- 8-215. Civil penalty in lieu of revocation or suspension.
- 8-216. Loss of clerk's certification for sale to minor.
- 8-217. Violations and penalty.

**8-201. Beer board established.** There is hereby established a beer board to be composed of all of the members of the board of commissioners. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without compensation. (modified)

**8-202. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman, provided he gives a reasonable notice thereof to each member and to any permit holder whose business is to be considered by said board. The board may adjourn a meeting at any time to another time and place.

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<sup>1</sup>State law reference

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

**8-203. 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; 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.

**8-204. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote.

**8-205. Powers and duties of the beer board.**<sup>1</sup> The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter.

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-101.

**8-207. Permit required for engaging in beer business.**<sup>2</sup> (1) 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.

(2) After the effective date of this section, each applicant for a beer permit must be at least twenty-one (21) years of age.

(3) 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 fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of South Fulton.

(4) 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.

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<sup>1</sup>State law reference  
*Tennessee Code Annotated*, § 57-5-106.

<sup>2</sup>State law reference  
*Tennessee Code Annotated*, § 57-5-103.

Licensed retail package stores located in the city are exempt from the provisions of this chapter and are not required to obtain a beer permit.<sup>1</sup>

**8-208. Privilege tax.**<sup>2</sup> There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the City of South Fulton, 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.

**8-209. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off premises consumption. A single permit may be issued for on premise and off premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions in his permit.<sup>3</sup>

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 57-3-404(e)(2)

<sup>2</sup>State law reference

*Tennessee Code Annotated*, § 57-5-104(b).

<sup>3</sup>State law reference

*Tennessee Code Annotated*, § 57-5-301(a) provides that neither beer permit holders nor persons employed by them may have been "convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude" within the previous ten (10) years. Under *Tennessee Code Annotated*, § 57-5-301(b), violations are punishable under state law as a Class A misdemeanor. Under *Tennessee Code Annotated*, § 16-18-302, city courts may only enforce local ordinances that mirror, substantially duplicate or incorporate by reference Class C misdemeanors. City courts are thus prohibited from enforcing ordinances making violations of *Tennessee Code Annotated*, § 57-5-301(a) a local offense.

**8-210. Limitation on number of permits.** The number of licenses for the sale of beer shall be unlimited. Provided that all requirements of this chapter are complied with, all existing permits for the sale of beer within the corporate limits of the city at the date of the passage of this chapter shall continue to be renewed. A new permit may be issued to a qualified purchaser of an existing establishment in which a permit is now held for the sale of beer, and the permit used only within the establishment or building purchased.

**8-211. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, residences, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. No permit of an establishment shall be suspended, revoked or denied on the basis of any congestion of traffic or interference with schools, residences, churches, or other places or public gathering if a valid permit had been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. (Ord. #2024-02, April 2024)

**8-212. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.** It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

- (1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.<sup>1</sup>
- (2) Make or allow the sale of beer between the hours of 12:00 midnight and 6:00 A.M. on weekdays and between the hours of 12:00 midnight Saturday and 12:00 noon on Sunday.<sup>2</sup>
- (3) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.<sup>3</sup>
- (4) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (5) Allow drunk persons to loiter about his premises.

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 1-3-113.

<sup>2</sup>State law reference

*Tennessee Code Annotated*, § 57-5-106(a), for cities with liquor by the drink, the Alcoholic Beverage Commission sets the hours of operation, which may only be modified by ordinance to reduce hours on Sundays under *Tennessee Compilation Rules and Regulations* § 0100-01-.03(2).

<sup>3</sup>State law reference

*Tennessee Code Annotated*, § 57-5-106(a).

(6) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content higher than beer.

**8-213. Curbside sale of beer.** Pursuant to *Tennessee Code Annotated*, § 57-5-103, the authorization of beer permit holders to sell beer online for curbside pickup at the permit holder's location requires purchased beer to be delivered to the customer's vehicle and the vehicle to be located within a paved parking area adjacent to the place of business. Beer sold through an online curbside pickup service shall be required to be pulled from the inventory located at the permitted location of the retailer providing the service. Any employee bringing beer to a vehicle for online curbside pickup must confirm the individual receiving the beer is at least twenty-one (21) years of age.

**8-214. Revocation or suspension of beer permits.** The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

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

**8-215. Civil penalty in lieu of revocation or suspension.**

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

(2) Penalty, revocation or suspension.<sup>1</sup> The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

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

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

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

**8-216. Loss of clerk's certification for sale to minor.**<sup>2</sup> If the beer board determines that a clerk of an off-premises beer permit holder certified under *Tennessee Code Annotated*, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination.

**8-217. Violations and penalty.** Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

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<sup>1</sup>State law reference  
*Tennessee Code Annotated*, § 57-5-108(2).

<sup>2</sup>State law reference  
*Tennessee Code Annotated*, § 57-5-607.

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.**<sup>1</sup>**CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. TAXICABS.

**CHAPTER 1****MISCELLANEOUS****SECTION**

9-101. "Going out of business" 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. (1994 Code, § 9-101)

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.



## CHAPTER 2

### PEDDLERS, ETC.<sup>1</sup>

#### 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. Loud noises and speaking devices.
- 9-207. Use of streets.
- 9-208. Exhibition of permit.
- 9-209. Police officers to enforce.
- 9-210. Revocation or suspension of permit.
- 9-211. Reapplication.
- 9-212 Expiration and renewal of permit.

**9-201. Permit required.** (1) Permit required. It shall be unlawful and a violation of this code for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued.

(2) Those required to obtain permit. It shall be unlawful and a violation of this chapter for any person to provide personal services at residences within this city for pay/compensation unless that person or business first obtains a permit in compliance with this chapter. Examples of those persons required to possess a permit to conduct or ply their trade are:

(a) Unlicensed plumbers, electricians, and heating and air conditioning services. Those licensed in Kentucky or Tennessee do not have to purchase the permits required by this section;

(b) Home remodelers performing all types of home repairs costing under twenty-five thousand dollars (\$25,000.00) per home. (Note that persons who do have a Tennessee contractor's license which is required by Tennessee statutes for home remodeling projects twenty-five thousand dollars (\$25,000.00) and above do not need a city permit. Those possessing a Tennessee home remodelers license also do not need a permit;)

(c) Home repair/service persons including window replacement, roofers, resurfaces or re-sealers of driveway surfaces, and those providing

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

any other home repair services. It should be noted that no permit is required for businesses and persons installing equipment purchased from a store or other recognized business where installation is part of the purchase price; and

(d) Lawn service providers including those providing lawn mowing, leaf raking, landscaping, etc.

(3) Permit fee. The fee to be charged for transient business permits shall be fifteen dollars (\$15.00) per year. The city commission may from time to time adjust this fee by resolution. (Ord. #2006-9, Aug. 2006, modified)

**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. (1994 Code, § 9-202)

**9-203. Application for permit.** Applicants for a permit under this chapter must file with the city clerk a sworn written application containing the following:

- (1) Name and physical description of applicant;
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) A recent clear photograph approximately two inches (2") 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; and

(10) At the time of filing the application, a fee of fifty dollars (\$50.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1994 Code, § 9-203, modified)

**9-204. Issuance or refusal of permit.** (1) Each application shall be referred to the chief of police. The chief shall report his findings to the city clerk 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 clerk 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 clerk shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city clerk shall keep a permanent record of all permits issued. (1994 Code, § 9-204, modified)

**9-205. Appeal.** Any person aggrieved by the action of the chief of police and/or the city clerk in the denial of a permit shall have the right to appeal to the board of commissioners. 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 city manager 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. (1994 Code, § 9-205, modified)

**9-206. 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. (1994 Code, § 9-207)

**9-207. 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. (1994 Code, § 9-208)

**9-208. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any police officer or citizen. (1994 Code, § 9-209)

**9-209 Police officers to enforce.** It shall be the duty of all public safety officers to see that the provisions of this chapter are enforced. (1994 Code, § 9-210)

**9-210 Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the board of commissioners, 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; or

(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 public safety 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. (1994 Code, § 9-211)

**9-211. 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. (1994 Code, § 9-212)

**9-212. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire on June 30 of each year. An applicant seeking renewal of a permit after expiration must submit a new application. (1994 Code, § 9-213, modified)

## CHAPTER 3

### TAXICABS<sup>1</sup>

#### SECTION

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

**9-301. Taxicab franchise and privilege license required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1994 Code, § 9-401)

**9-302. Requirements as to application and hearing.** No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the director of public safety. 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 director 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 director of public safety shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of commissioners; and make

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

a recommendation to either grant or refuse a franchise to the applicant. The board shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise, the board 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 taxicab 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. (1994 Code, § 9-402)

**9-303. Liability insurance required.** No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount equal to that required by the state's financial responsibility law set out in *Tennessee Code Annotated*, title 55, chapter 12. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1994 Code, § 9-403)

**9-304. Revocation or suspension of franchise.** The board of commissioners, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor, for traffic violations, and violations of this chapter by the taxicab owner or any driver. (1994 Code, § 9-404)

**9-305. Mechanical condition of vehicles.** It shall be unlawful for any person to operate any taxicab in the municipality unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state motor vehicle law. Each taxicab shall be equipped with a handle or catch 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. (1994 Code, § 9-405)

**9-306. Cleanliness of vehicles.** All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1994 Code, § 9-406)

**9-307. Inspection of vehicles.** All taxicabs shall be inspected as often as may be necessary by the director of public safety to ensure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1994 Code, § 9-407)

**9-308. License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the director of public safety. (1994 Code, § 9-408)

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

- (1) Makes written application to the director of public safety;
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license;
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle;
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs;
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application;
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses; and
- (7) Is familiar with the state and local traffic laws. (1994 Code, § 9-409)

**9-310. Revocation or suspension of driver's permit.** The board of commissioners, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-309. (1994 Code, § 9-410)

**9-311. Drivers not to solicit business.** All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1994 Code, § 9-411)

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

taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to interfere unreasonably with or obstruct other traffic, and provided the passenger loading or discharging is promptly accomplished. (1994 Code, § 9-412)

**9-313. Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1994 Code, § 9-413)

**9-314. Taxicabs not to be used for illegal purposes.** No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1994 Code, § 9-414)

**9-315. Miscellaneous prohibited conduct by drivers.** It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise unreasonably disturb the peace, quiet, and tranquility of the municipality in any way. (1994 Code, § 9-415)

**9-316. Transportation of more than one passenger at the same time.** No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1994 Code, § 9-416)



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

1. IN GENERAL.
2. DOGS AND CATS.
3. DANGEROUS ANIMALS
4. EXOTIC ANIMALS

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

- 10-101. Definitions.
- 10-102. Running at-large prohibited.
- 10-103. Keeping near a residence or business restricted.
- 10-104. Stable or enclosure to be kept clean.
- 10-105. Adequate food, water, and shelter, etc. to be provided.
- 10-106. Keeping in such a manner as to become a nuisance prohibited.
- 10-107. Seizure and disposition of animals or fowl.
- 10-108. Citation procedure.
- 10-109. Inspection of premises.
- 10-110. Violations and penalty.

**10-101. Definitions.** The following terms set forth below shall have the following meaning(s) when interpreting the terms and provision of this chapter.

(1) "At-large." An animal running loose without leash or restraint measures.

(2) "Dangerous and/or vicious animal." An animal may be categorized as dangerous when any one (1) or more of the following conditions occur:

(a) Any animal, which has been declared to be dangerous at a proceeding, held pursuant to the provisions of this chapter;

(b) Any animal, which while at-large or improperly confined or controlled, kills or seriously injures another domestic animal, whether on public or private property;

(c) Any animal which is observed at-large and running in packs on three (3) separate occasions, as such animals pose a potential danger to the public due to their tendency to develop dangerous or vicious habits;

(d) Any animal which approaches a person or an animal in a threatening or menacing manner;

(e) Any animal which has inflicted injury on, or attacks, or bites a human being, without provocation, whether on public or private property;

(f) Any animal, owned or harbored primarily or partly for the purpose of animal fighting, or trained for fighting;

(g) Any animal which the owner permits to be used or uses in the commission of a crime or to harm, threaten, torment, abuse, or otherwise endanger the safety of a human being;

(h) Any animal, which unprovoked, chases or approaches a person on the streets, sidewalks, or any public or private property in an attempt to attack;

(i) Any animal with an observed propensity, tendency, or disposition to attack, unprovoked, so as to cause injury or otherwise threaten the safety of human beings or domestic animals; and/or

(j) The following canine breeds are considered potentially dangerous animals:

(i) Bull terrier, Staffordshire bull terrier, American pit bull terrier, and American Staffordshire terrier;

(ii) Doberman pincher;

(iii) Mastiff breeds;

(iv) Mixed breeds containing any percentage of parentage from the above list;

(v) Any dog having a predominant appearance and/or characteristics from the above list;

(vi) Any dog weighing over one hundred ten pounds (110 lbs.); and

(vii) Any wolf or dog with any percent of wolf parentage

(k) Any animal determined dangerous and/or vicious by a city official appointed by the city manager.

(3) "Dog." Intended to mean both male and female.

(4) "Owner." Intended to mean any person or persons, firm, association, or corporation owning, keeping, or harboring a dog.

(5) "Person." Includes any natural person, association, partnership, organization, or corporation.

(6) "Provocation." Tormenting, abusing, or assaulting any animal. (Ord. #2010-07, Jan. 2011)

**10-102. Running at-large prohibited.** It shall be unlawful for any person owning or being in charge of any dogs, cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at-large in streets, alleys, or unenclosed lots within the corporate limits. Above stated animals allowed off the owner's premises shall be restrained by a leash of sufficient strength to contain control of animal. (Ord. #2010-07, Jan. 2011)

**10-103. Keeping near a residence or business restricted.** (1) No horse, mule, donkey, cow, goat, sheep, or animal raised shall be kept within the city limits, except in an outlying district where there are not more than three (3) residences, other than that occupied by the owner or occupant of the premises upon which said animals are kept, within a distance of five hundred feet (500') of the structure housing said animal, unless a written permit therefor is issued by the health officer after an inspection of the premises and a finding of fact to the effect that no nuisance will be created thereby. Such permit shall be issued for the keeping of any such animals on any lot in the following two (2) cases:

(a) Where such animals were being lawfully kept on such lot prior to the enactment of this chapter; or

(b) Where such animals were being lawfully kept after the enactment of this chapter in an area in which there were not three (3) residences within a distance of five hundred feet (500') of the structure enclosing such animals, and subsequently other residences were built bringing the structure housing the animals within a restricted district. Such permit shall be for the term of one (1) year only and shall not be renewed without a reinspection of the premises.

(2) No chicken coop, dove, cote, dog kennel, rabbit warren, or other yard structure where animals are kept or where small animals and/or fowls are kept shall be maintained closer than fifty feet (50') to any house, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept. Not more than six (6) dogs, cats, rabbits, guinea pigs, ducks, geese, or any other small animal or fowls, more than six (6) weeks old, shall be kept on any premises within the city limits except in an outlying district where there are not more than three (3) residences, other than that occupied by the owner or occupant of the premises upon which said creatures are kept, within a radius of five hundred feet (500') of the structure or area enclosing said creatures, without a permit issued by the health officer after an inspection of the premises and a finding of fact to the effect that no nuisances will be created thereby. Such permit shall be issued for the keeping of any such creatures on any lot, only in the following two cases:

(a) Where such animals were being lawfully kept on such premises prior to the enactment of this chapter; or

(b) Where such animals or fowls were being lawfully kept on such lot after the enactment of this chapter, in an area in which there were not three (3) residences within five hundred feet (500') of the structure enclosing such animals, and subsequently other residences were built bringing the structure housing said animals within a restricted district. Such permit shall be for the term of one (1) year only and shall not be renewed without a reinspection. (Ord. #2010-07, Jan. 2011)

**10-104. Stable or enclosure to be kept clean.** (1) Every stable or other building wherein any animal is kept, shall be construed of such material

and in such a manner that it can be kept clean and sanitary at all times. Every such stable or other building occupied by authority of a permit shall, if located within two hundred feet (200') of any tenement house, apartment, house, retail food store, buildings used for school purposes, religious purposes, or a residence, other than that occupied by the owner or occupant of the premises upon which said animals are kept, be provided with a water-tight and fly-tight receptacle for manure, of such dimensions as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent it becoming a nuisance. Said receptacle shall be kept securely covered at all times, except when open for deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle. If the health officer deems necessary, in order to avoid a nuisance, any such building may be required to be screened tightly against flies and other insects and/or that it be provided with running water, drain connection, flooring impervious to water, and that such other measures be taken as may be necessary to ensure the proper protection to public health and safety, as conditions precedent to the issuance of any such permit.

(2) All structures, pens, coops, or yards, wherein such animals or fowls are kept, or permitted to be kept, shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from all objectionable odors. The interior walls, ceilings, floors, partitions, and appurtenances of all structures shall be whitewashed or painted annually or as often as the health officer shall direct. The health officer, upon the complaint of any individual, shall inspect any such structure or premises and issue any such orders as may be necessary to carry out the provisions of this chapter. (Ord. #2010-07, Jan. 2011)

**10-105. 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, safe condition, and wholesomeness for food if so intended. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (Ord. #2010-07, Jan. 2011)

**10-106. Keeping in such a 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 due to the following:

(1) Persistent noise and/or barking or barking to the degree that at least two (2) persons residing at different addresses submits a written complaint to the city;

(2) Persistent odor and/or unsanitary conditions causing health risks and/or unreasonable interference with the use and enjoyment of neighboring properties by those residents;

(3) Any waste-laden runoff affecting adjoining properties; and/or

(4) Not more than five (5) dogs shall be kept at any one (1) residence. (Ord. #2010-07, Jan. 2011)

**10-107. Seizure and disposition of animals or fowl.** Violations of this chapter shall result in seizure of the animal or fowl by a city official designated by the city manager. The seized animal or fowl will be confined in a kennel provided by the city. If the impounded animal or fowl is registered with the city and/or the owner is known, the owner shall be given notice not later than one (1) business day (Monday through Friday) after the city's taking possession of the animal. The owner may be contacted in person, by telephone, or by postcard mailed to such person's last known mailing address. The owner shall be informed that the animal or fowl must be claimed within five (5) business days (unless otherwise directed by the city manager) from the time of seizure. If the owner is not known, public notice of the animal, containing a description, will be posted on the internet for seven (7) days. The animal or fowl may be claimed and returned to the owner after all kennel fees and any applicable fines and/or costs have been paid. Following the initial seven (7) day period, the animal or fowl then becomes property of the city and an adoption notice will be posted on the internet for seven (7) days. There will be no adoption fee charged. If not claimed or adopted within a fifteen (15) day period following initial possession being taken of the animal or fowl by the city, the animal or fowl shall be humanely destroyed as authorized by the city manager. Charges for impound, boarding, fines, and court costs paid to the City of South Fulton are established and adopted by separate ordinance. (Ord. #2023-02, Sept. 2023)

**10-108. Citation procedure.** (1) Whenever the animal control officer determines there has been a violation of any of the provisions of this chapter, in lieu of obtaining a warrant for arrest of the offender, the animal control officer may prepare written notice to appear in the city court, containing the name and address of such person, the offense charged, and the time when such person shall appear in city court. The time specified for appearance shall not be less than five (5) days from the date of issuance to appear.

(2) The cited person shall sign one (1) copy of the notice to appear. One (1) copy of the notice to appear shall be delivered to the cited person. (Ord. #2010-07, Jan. 2011)

**10-109. Inspection of premises.** For the purpose of making inspections to ensure compliance with the provisions of this chapter, the health officer, or authorized representative, shall be authorized to enter, at any reasonable time, any premises where a reasonable cause to believe an animal or fowl is being kept in violation with this chapter. (Ord. #2010-07, Jan. 2011)

**10-110. Violations and penalty.** Failure to meet any requirement of this chapter shall be considered a separate violation and may be punished by maximum fines and court costs, as established by separate resolution, even though more than one (1) provision is violated on a single day. (Ord. #2010-07, Jan. 2011)

## CHAPTER 2

### DOGS AND CATS<sup>1</sup>

#### SECTION

10-201. Previous regulations apply.

10-202. Impounding.

10-203. Standards and requirements for dangerous and/or vicious dogs.

10-204. Dog bites and disposition of infected or vicious dogs.

10-205. Violations and penalty.

**10-201. Previous regulations apply.** The following regulations pertain to dogs within the city limits and are in addition to all regulations specified in chapter 1 of this title. (Ord. #2010-07, Jan. 2011)

**10-202. Impounding.** It shall be the duty of any designated official to apprehend any dog found at large and to impound such dog in the city pound or city designated pound or other suitable place. The animal control officer (or other designated official), upon receiving any dog, shall make a complete registry, entering the breed, color, and sex of such dog. (Ord. #2023-02, Sept. 2023)

**10-203. Standards and requirements for dangerous and/or vicious dogs.** (1) Confinement in kennel or pen. All "outside" dangerous and/or vicious dogs shall be in a securely enclosed and locked pen or kennel, except as otherwise provided herein. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. The structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. Pens or kennels must be constructed of "American Kennel Wire" or similar gauge wire, which also includes chain link fencing. Said structures must be locked with a key or combination lock when such animals are within the structure. All structures erected to house dangerous/vicious dogs shall comply with all regulations of the City of South Fulton and shall be adequately lighted, ventilated, and kept in a clean and sanitary condition.

(2) Confinement indoors. No dangerous/vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no dangerous/vicious dog may be kept in a house or structure when the windows re-open or when screen windows or doors are the only obstacles preventing the dog from exiting the structure.

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<sup>1</sup>Anywhere in this title that "dogs" is mentioned, "cats" are included.

(3) Confinement in yard. All yards and premises housing or having a dangerous/vicious dog must be completely fenced. Such fencing shall be constructed and maintained such that any such dangerous/vicious dog shall not be able to go through, around, over, or under such fencing and must be completely contained therein at all times. Further, all such dangerous/vicious dogs allowed in any such fenced yard shall also be securely chained therein or confined in a secure and locked kennel or pen at all times.

(4) Leash and muzzle. No person shall permit an animal meeting the definition of a "dangerous or vicious dog" to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet (4') in length. All persons shall be physically capable of controlling the dog at all times. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, stakes, or structures. In addition, a muzzling device sufficient to prevent such dangerous or vicious dogs from biting persons or other animals shall be placed on all dangerous animals when outside the animals' kennel or pen.

(5) Signs. All owners, keepers, or possessors of a dangerous/vicious dog, shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog," in addition, a similar sign is required to be posted on the kennel or pen of such animal. (Ord. #2010-07, Jan. 2011, modified)

**10-204. Dog bites and disposition of infected or vicious dogs.** The city shall confine a dog that has bitten any person for a period of fourteen (14) days for observation. Animals may also be completely confined by their owners in an approved manner if approved by the designated official and if they allow the designated official to check on the animal regularly for fourteen (14) days. Any animal being so confined by its owner who does not so allow a city official to check on the animal, or if such animal is not so kept in such confinement, is subject to immediate relinquishment to such designated official upon demand. Any person having knowledge of a dog bite shall immediately report the incident to city officials. Any dog encountered or seized which appears to be suffering from rabies or infected with mange or other infectious or dangerous disease, shall not be released but may be forthwith destroyed. Additionally, any dangerous, fierce, or vicious dog found at-large that cannot safely be taken up and impounded, shall be slain by a designated official. (Ord. #2023-02, Sept. 2023)

**10-205. Violations and penalty.** Failure to meet any requirement of title 10 shall be considered a separate violation and may be punished by maximum fines and court costs, as established by separate resolution, even though more than one (1) provision is violated on a single day. (Ord. #2010-07, Jan. 2011)



## CHAPTER 3

### DANGEROUS ANIMALS

#### SECTION

- 10-301. Definitions.
- 10-302. Keeping dangerous animal prohibited.
- 10-303. Exceptions.
- 10-304. Enforcement.
- 10-305. Standards and requirements.
- 10-306. Sale or transfer of ownership prohibited.
- 10-307. Rebuttable presumptions.
- 10-308. Visitors to the city.
- 10-309. Unclaimed impounded animals.
- 10-310. Violations and penalty.

**10-301. Definitions.** The following terms are defined as set forth below and shall have the following meaning or meanings when interpreting the terms and provisions of this chapter.

(1) "At-large." All animal running loose without leash or restraint measures.

(2) "Dangerous animal." An animal may be categorized as dangerous when any one (1) or more of the following conditions occur:

(a) Any animal which has been declared to be dangerous at a proceeding held pursuant to the provisions of this chapter;

(b) Any animal which, while at-large or improperly confined or controlled, kills or seriously injures another domestic animal, whether on public or private property;

(c) Any animal which is observed at-large and running in packs on three (3) separate occasions, as such animals pose a potential danger to the public due to their tendency to develop dangerous or vicious habits;

(d) Any animal which approaches a person or an animal in a threatening or menacing manner;

(e) Any animal which has inflicted injury on, or attacks, or bites a human being, without provocation, whether on public or private property;

(f) Any animal owned or harbored primarily or partly for the purpose of animal fighting, or trained for fighting;

(g) Any animal which the owner permits to be used or uses in the commission of a crime or to harm, threaten, torment, abuse, or otherwise endanger the safety of a human being;

(h) Any animal which, unprovoked, chases or approaches a person on the streets, sidewalks, or any public or private property in an attempt to attack;

(i) Any animal with an observed propensity, tendency, or disposition to attack, unprovoked, so as to cause injury or otherwise threaten the safety of human beings or domestic animals; and/or

(j) The words "dangerous animal" as used in this chapter shall further have the following meanings:

(i) The bull terrier, rottweiler, doberman pincher, and mastiff breeds of dog;

(ii) Staffordshire bull terrier breed of dog;

(iii) The American pit bull terrier breed of dog;

(iv) The American Staffordshire terrier breed of dog, all of the above breeds to be identified as described by the American Kennel Club and United Kennel Club;

(v) The German Shepherd breed of dog;

(vi) Dogs of mixed breed or of other breeds which includes any percentage of the animal's parentage of any of the above described breeds of dogs;

(vii) Any dog which has the appearance and characteristics of being predominantly of the breeds mentioned above, in any combination;

(viii) Any dog weighing over one hundred ten (110) pounds; and

(ix) Any wolf or dog with any percentage of wolf in its parentage.

(3) "Person." Includes any natural person, association, partnership, organization, or corporation;

(4) "Provocation." Tormenting, abusing, or assaulting any animal. (Ord. #2001-1, March 2001, as amended by Ord. #2002-5, July 2002, modified)

**10-302. Keeping dangerous animal prohibited.** It shall be unlawful for any person to harbor or keep a dangerous animal within the City of South Fulton, Tennessee unless such animal is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons as stated in § 10-204. (Ord. #2001-1, March 2001, modified)

**10-303. Exceptions.** Any person or organization which falls into one (1) of the following subsections shall be granted a permit to own, harbor, or have charge, custody, control, or possession of any animal described above as a "dangerous animal."

(1) Bona fide educational or medical institutions, museums, or any other place where dangerous animals are kept as live specimens for the public to view, or for the purpose of instruction or study.

(2) Any circus, carnival, or other exhibit or show which keeps such animals for exhibition to the public.

(3) A bona fide, licensed veterinary hospital which keeps such animals for treatment or impoundment.

(4) Those "dangerous animals" which have lameness and other infirmities, as confirmed in writing by a veterinarian, due to old age or infirmities. These said animals do not constitute a threat to passersby and are not physically capable of escaping from a fenced-in yard or light restraints. Additionally, dogs which have been specially trained to assist their owners, such as seeing-eye dogs or dogs intended to help crippled persons, or dogs kept or owned by law enforcement agencies shall not be subject to the requirement that their owners obtain a permit from the city. (Ord. #2001-1, March 2001)

**10-304. Enforcement.** (1) Any person who witnesses or has other personal knowledge that an act made unlawful by this chapter has been committed or that an animal should be declared to be a "dangerous animal" may sign a complaint against the alleged violator, keeper, or owner of such animal. A summons will be served on the alleged violator in accordance with current law enforcement procedures.

(2) Any police officer or animal control officer employed by the city is authorized to issue a summons and complaint to any persons when the officer personally observes a violation of the provisions of this chapter or when information is received from any person who has personal knowledge that an act which is made unlawful by this chapter has occurred or that an animal should be declared to be dangerous.

(3) Should a police officer or animal control officer witness or receive information concerning a violation of/or behavior referred to in subsections (1) or (2), he or she may, in his or her discretion, impound the animal involved pending a hearing as described in subsections (4) through (7) below.

(4) When a complaint or summons has been issued pursuant to subsections (1) of (2), or upon motion of an animal owner whose animal has been impounded under subsection (3) above, the city court is empowered to hold hearings to determine whether reasonable grounds exist to believe that a violation has occurred or whether an animal should be declared to be dangerous. Said hearings may be held on an ex parte basis if the court, within its discretion, determines it necessary. After the hearing, if the court finds that reasonable grounds exist, the court is empowered to enter orders, either on its own motion or on the motion of the city, to have the animal in question seized and impounded or to continue the impoundment of the animal at the owner's expense (as set forth in the subparagraph (7) below) until the completion of all legal proceedings held in city court.

(5) Upon completion of all city court proceedings, if the court finds a violation of this chapter has occurred, it shall order the animal destroyed or removed from the city. If an animal is ordered destroyed or removed from the city pursuant to this subsection, the person who owns, possesses, or keeps the animal shall be entitled to petition the circuit court within fourteen (14) days of

the order for a hearing to review the propriety of the order. However, said animal shall be impounded and remain impounded pending a final order in the judicial proceedings.

(6) Should the defendant refuse to remove the animal from the city as ordered by the court, the city court judge shall find the defendant owner in contempt and order the immediate confiscation, impoundment, and destruction of the animal.

(7) Any person who violates this chapter shall pay all animal care expenses, including sums for shelter, food, handling, veterinary care, and expert testimony, which are necessitated by the person's failure to abide by the provisions of this code. The minimum expenses shall be set at fifteen dollars (\$15.00) per day per animal. In addition, there will be assessed a pickup fee of twenty-five dollars (\$25.00) per animal. (Ord. #2001-1, March 2001, as amended by Ord. #2023-02, Sept. 2023)

**10-305. Standards and requirements.** The following standards and requirements apply to dangerous animals located with the corporate limits:

(1) Registration. Each owner, keeper, harbinger, or possessor of a dangerous animal shall register such animal with the chief of police or his designated official.

(2) Leash and muzzle. No person shall permit an animal meeting the definition of a "dangerous animal" to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet (4') in length. No person shall permit a dangerous animal to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person of legal age and discretion is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, stakes, or structures. In addition, a muzzling device sufficient to prevent such dangerous animal from biting persons or other animals shall be placed on all dangerous animals when said animal is outside the animals' kennel or pen.

(3) Confinement. All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous animals must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet (2'). All structures erected to house dangerous animals shall comply with all zoning and building ordinances and regulations of the City of South Fulton and shall be adequately lighted and ventilated and kept in a clean and sanitary condition. Any pens or kennels which house dangerous animals as defined herein must be constructed of "American Kennel Wire" or similar gauge wire which also includes chain link fencing.

(4) Confinement indoors. No dangerous animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.

(5) Signs. All owners, keepers, harborers, or possessors of dangerous animals, if such animal is a dog, shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(6) Insurance. All owners, keepers, harborers, or possessors of dangerous animals are encouraged, but not required, to maintain liability insurance for the purpose of protecting members of the public who may be attacked or harmed by said animals.

(7) Identification photographs. All owners, keepers, possessors, or harborers of dangerous animals must provide the city recorder two (2) color photographs of the animal clearly showing the color and approximate size of the animal.

(8) Reporting requirements. All owners, keepers, possessors, or harborers of dangerous animals shall, within ten (10) days, report the following information in writing to the Chief of Police of South Fulton:

(a) The removal from the city or death of any dangerous animal;

(b) The birth of offspring of any dangerous animal;

(c) The new residential address of the owner, keeper, possessor, or harborer of any dangerous animal, should said person move within the corporate limits of the city; or

(d) The attack or biting of any animal or person by any dangerous animal kept, owned, harbored, or possessed by any resident of the City of South Fulton. (Ord. #2001-1, March 2001, as amended by Ord. #2002-5, July 2002)

**10-306. Sale or transfer of ownership prohibited.** No person shall sell, barter, or in any other way transfer possession of a dangerous animal to any person within the City of South Fulton unless the recipient person registers the dangerous animal with the Chief of Police at the time of transfer. (Ord. #2001-1, March 2001)

**10-307. Rebuttable presumptions.** There shall be a rebuttable presumption that any dog registered within the City of South Fulton as a dangerous animal or any of those breeds or mixed breeds of dogs defined above is in fact an animal subject to the requirements of this chapter. (Ord. #2001-1, March 2001)

**10-308. Visitors to the city.** Visitors to the City of South Fulton will not be required to comply with the terms of this chapter as long as their dangerous animal is maintained and restrained so as to not leave the property of the person where their owner is visiting. Said dangerous animals must not stay in the city for more than forty-eight (48) hours unless a permit has been obtained as required in this chapter. Thereafter, it shall be the sole discretion of the law enforcement officers of the City of South Fulton when and if the residents of the City of South Fulton and the visitors of those residents will be held accountable for violation of this chapter as a result of dangerous animals brought into the City of South Fulton. (Ord. #2001-1, March 2001)

**10-309. Unclaimed impounded animals.** Dangerous animals which are impounded and which are not claimed by their owner after a ten (10) day period shall be disposed of humanely. The police officials of the City of South Fulton shall attempt to contact the owner if the owner can be identified and located. Any dangerous animal which is found wandering in the City of South Fulton shall be impounded. Vicious animals, regardless of their breed, which attack a city employee when that city employee is attempting to catch the animal for impoundment may be shot and killed, when necessary, to protect citizens and city employees from harm. (Ord. #2001-1, March 2001)

**10-310. Violations and penalty.** Failure to meet any requirements of this chapter shall result in a maximum fine of fifty dollars (\$50.00) for each offense. Any violation of any paragraph shall be considered a separate violation and may be punished by a maximum fine, even though more than one (1) provision is violated on a single day. (Ord. #2001-1, March 2001, as amended by Ord. #2002-5, July 2002)

**CHAPTER 4****EXOTIC ANIMALS****SECTION**

10-401. Prohibited.

10-402. Violations and penalty.

**10-401 Prohibited.** It shall be unlawful for any person to own, possess, keep, maintain, harbor, transport, or sell within the city an exotic animal. The term exotic animal, for the purposes of this section, shall mean and include, but not limited to, any and all species of the following:

- (1) Poisonous reptiles;
- (2) Monitor lizards;
- (3) Nonpoisonous snakes with a length greater than six feet (6');
- (4) Crocodilians;
- (5) Poisonous spiders;
- (6) Scorpions; and
- (7) Any other exotic animals determined dangerous by a city official appointed by the city manager. (Ord. #2010-07, Jan. 2011)

**10-402. Violations and penalty.** Failure to meet any requirement of this chapter shall be considered a separate violation and may be punished by maximum fines and court costs, as established by separate resolution, even though more than one (1) provision is violated on a single day. (Ord. #2010-07, Jan. 2011)

## TITLE 11

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

#### CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. FIREARMS, WEAPONS, AND MISSILES.
4. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
5. MISCELLANEOUS.

#### CHAPTER 1

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

#### SECTION

- 11-101. Drinking beer, etc., on streets and in public places.  
 11-102. Drinking beer, etc., on commercial premises.  
 11-103. Minors in beer places.

**11-101. Drinking beer, etc., on streets and in public places.** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has a beer permit and license for on-premises consumption. (1994 Code, § 11-101)

**11-102. Drinking beer, etc., on commercial premises.** The exhibition of opened and unopened containers of beer and/or the consumption

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<sup>1</sup>Municipal code references

- Animals and fowls: title 10.
- Fireworks and explosives: title 7.
- Residential and utilities: title 12.
- Streets and sidewalks (non-traffic): title 16.
- Traffic offenses: title 15.

<sup>2</sup>Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

- See *Tennessee Code Annotated*, § 33-8-203 (arrest for public intoxication, cities may not pass separate legislation).



of beer on commercial premises is prohibited where the operators and/or owners do have a permit to sell beer.

It is the intent and purpose of this section to prohibit the foregoing acts in drive-ins within the corporate limits where the operators and/or owners of said premises are not duly licensed to sell beer.

The owner of a vehicle in which the unopened beer is seen or opened beer is being consumed shall be deemed the owner of the said beer in the absence of the admission of the ownership by the other occupants of the vehicles. (1994 Code, § 11-102)

**11-103. Minors in beer places.** No person under twenty-one (21) years of age shall loiter in or around, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1994 Code, § 11-103, modified)

**CHAPTER 2****OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-201. Anti-noise regulations.

**11-201. 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) 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.

(b) 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 persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) 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.

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

(e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

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

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

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

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

(c) Noncommercial, commercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial and commercial 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 amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1994 Code, § 11-402, modified)

**CHAPTER 3****FIREARMS, WEAPONS, AND MISSILES****SECTION**

11-301. Air rifles, etc.

11-302. Discharge of firearms.

**11-301. Air rifles, etc.** It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1994 Code, § 11-601)

**11-302. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1994 Code, § 11-603)

**CHAPTER4****TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

11-401. Trespassing.

11-402. Trespassing on trains.

11-403. Interference with traffic.

**11-401. 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 also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave. (1994 Code, § 11-701)

**11-402. 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. (1994 Code, § 11-702)

**11-403. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1994 Code, § 11-704)

## CHAPTER 5

### MISCELLANEOUS

#### SECTION

11-501. Park rules and regulations.

11-502. Funerals and funeral processions.

**11-501. Park rules and regulations.**<sup>1</sup> For the purposes of interpreting and enforcing this section, the following shall apply.

(1) South Fulton Park shall refer to the park and recreational facilities owned by the City of South Fulton and generally located on the corner of Broadway and State Line.

(2) All persons found to be in violation of any provision of this section shall be subject to a fine in the South Fulton Municipal Court not to exceed fifty dollars (\$50.00) plus any and all applicable court costs. (Ord. #2015-03, May 2015)

**11-502. Funerals and funeral processions.** (1) It shall be a violation of this section for each person who participates in a public display or disturbance or protest within six hundred feet (600') of any church building or funeral home/funeral parlor within one (1) hour before through to thirty (30) minutes after the end of any scheduled funeral service. This includes the posting of any signs or banners or the use of any loud speakers, bull horns, megaphones, or other sound amplification devices.

(2) It shall be a violation of this section for each person who participates in a public display or disturbance or protest within three hundred feet (300') of any funeral procession within the City of South Fulton, Tennessee during the period of time in which the funeral procession is or is about to pass the place where any person so demonstrating is stationed or the place where any sign, banner, or sound amplification device or instrument is being used.

(3) For each person who is found to have violated this section, they shall be subject to the maximum fine and court costs established by the Board of Commissioners of the City of South Fulton, Tennessee for violation of any ordinance. (Ord. #2006-6, May 2006)

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<sup>1</sup>Park rules and regulations for the City of South Fulton, and any amendments thereto, may be found in the recorder's office.

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER

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

#### CHAPTER 1

#### BUILDING CODE<sup>1</sup>

#### SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Inspections.
- 12-105. Violations and penalty.

**12-101. Building code adopted.** The *International Building Code*,<sup>2</sup> 2018 edition, is hereby adopted by reference as though copied herein verbatim. (Ord. #2016-06, Nov. 2016, modified)

**12-102. Modifications.** (1) Definitions. Whenever in the building code when reference is made to the duties of a certain official named therein, that designated official of the City of South Fulton who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.

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<sup>1</sup>Municipal code references

- Fire protection, fireworks, and explosives: title 7.
- Planning and zoning: title 14.
- Streets and other public ways and places: title 16.
- Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(2) Permit fees. All fees for inspections and permits under the above code shall be those fees as adopted by the board of mayor and commissioners by resolution and said fees for inspections and permits may be changed by resolution of the board of mayor and commissioners. (Ord. #2010-06, Sept. 2010)

**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. #2010-06, Sept. 2010)

**12-104. Inspections.** (1) The City of South Fulton may employ and train a person whose duties may include inspecting residential and business properties to determine if said properties are habitable and meet safety requirements established in building codes concerning electrical, sanitation, and other such standards. When employed, it shall be the responsibility of said city code enforcement inspector to inspect properties described below and to determine if the properties are safe for habitation.

(2) Any inspection conducted by the appropriate city employee shall include a determination as to whether or not the property being inspected is to be used in accordance with existing zoning ordinances and existing building codes. Any deficiencies will be placed in a written report and a copy of the written report will be given to the property owner and tenant.

(3) All residential rental properties must henceforth be inspected to see if said properties are safe for habitation and meet building code requirements. An inspection will be made of each residential rental unit prior to a new tenant residing in such unit. The city manager is allowed, under the terms of this section, to make a written agreement with owners of multiple rental units, such as apartment complexes, to allow for inspections to be made on the city's behalf by apartment personnel as long as the city code enforcement inspector is given permission to make periodic inspections as necessary.

(4) All persons applying for license to conduct business in the City of South Fulton, Tennessee must clearly state on said application the locations where said business will be conducted. No business license will be issued unless the location where the business is being conducted is allowed by zoning restrictions or variances and meets all standards required by the building code.

(5) All rental unit tenants and persons applying for business licenses will not have city utilities turned on unless an inspection has been made in accordance with the procedures set forth in this section.

(6) The city employee performing inspections will identify any questionable deficiencies that may need to be referred to qualified electricians, qualified plumbers, or other specialists as required. No person will be denied a business license or to have utilities turned on for any condition which is "grandfathered" (meaning the condition is allowed to continue because the condition met building codes at an earlier time.) (Ord. #98-7, Sept. 1998)



**12-105. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2010-06, Sept. 2010)

## CHAPTER 2

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

#### SECTION

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

**12-201. Plumbing code adopted.** The *International Plumbing Code*,<sup>2</sup> 2018 edition, is hereby adopted by reference as though copied herein verbatim. (Ord. #2016-06, Nov. 2016, modified)

**12-202. Modifications.** Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the city manager of this city. Whenever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the plumbing code. (Ord. #2013-06, Nov. 2013)

**12-203. Available in recorder's office.** Pursuant to the requirements of the *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. #2013-06, Nov. 2013)

**12-204. Violations and penalty.** 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. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2013-06, Nov. 2013)

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<sup>1</sup>Municipal code references

Cross-connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

<sup>2</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

## CHAPTER 3

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

#### SECTION

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

**12-301. Electrical code adopted.** Pursuant to authority granted by *Tennessee Code Annotated*, § 6-54-501 to 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the *National Electrical Code*,<sup>2</sup> 2018 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as part of this code and is hereafter referred to as the electrical code. (Ord. #2023-02, Sept. 2023)

**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. (1994 Code, § 12-302)

**12-303. Permit required for doing electrical work.** No electrical work shall be done within this city until a permit therefor has been issued by the city. 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. (1994 Code, § 12-303)

**12-304. Enforcement.** The electrical inspector shall be such person as the city manager 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 ensure compliance with the

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

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

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. (1994 Code, § 12-305)

**12-305. Violations and penalty.** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1994 Code, § 12-304)

## CHAPTER 4

### FUEL GAS CODE<sup>1</sup>

#### SECTION

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

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

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

(1) "Certain appliances." Conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers.

(2) "Certificate of approval." 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.

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

(4) "Inspector." 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 city manager.

(5) "Person." Any individual, partnership, firm, corporation, or any other organized group of individuals. (1994 Code, § 12-401)

**12-402. Purpose and scope.** The purpose of the fuel 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

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

conform to the requirements of this chapter and to the *International Fuel Gas Code*,<sup>1</sup> 2020, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the fuel gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1994 Code, § 12-402, modified)

**12-403. Use of existing piping and appliances.** Notwithstanding any provision in the fuel gas code to the contrary, consumer's piping installed prior to the adoption of the fuel 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 fuel gas code. (1994 Code, § 12-403)

**12-404. 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 by the city manager and the compensation for such office shall be determined at the time of appointment. (1994 Code, § 12-405)

**12-405. 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.

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

(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. (1994 Code, § 12-406)

**12-406. 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 inspector 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. (1994 Code, § 12-407)

**12-407. 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 inches (6") 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. (1994 Code, § 12-408)

**12-408. 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. (1994 Code, § 12-409)

**12-409. Fees.** (1) The total fees for inspection of consumer's gas piping at one (1) location (including both rough and final piping inspection), as amended from time to time, shall be found in the recorder's office.

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

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

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

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1994 Code, § 12-410, modified)

**12-410. 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. (1994 Code, § 12-412)

**12-411. Violations and penalty.** 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. (1994 Code, § 12-411)



## CHAPTER 5

### RESIDENTIAL CODE

#### SECTION

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

**12-501. Residential code adopted.** The *International Residential Code*,<sup>1</sup> 2018 edition, is hereby adopted by reference as though copied herein verbatim. (Ord. #2016-06, Nov. 2016, modified)

**12-502. Modifications.** (1) Wherever the residential code refers to the "Housing Official" it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the residential code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the city manager.

- (2)
- (a) Section R313.1 Townhouse automatic fire sprinkler systems - replace the existing exception with the following exception: "An automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall."
  - (b) Section R313.2 1&2 family dwellings automatic fire sprinkler systems - Delete in its entirety.
  - (c) Section N1102.4.1.2 (R402.4.1.2) Testing - Shall be optional.
  - (d) Section N1103.2.2 (R403.2.2) Sealing - Testing requirements numbers 1 & 2 under Duct Tightness are optional (1994 Code, § 12-502, as amended by Ord. #2016-06, Nov. 2016)

**12-503. Available in recorder's office.** Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the residential code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1994 Code, § 12-503)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**12-504. Violations and penalty.** 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. (1994 Code, § 4-504)

## CHAPTER 6

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

#### SECTION

- 12-601. Energy conservation code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations and penalty.

**12-601. Energy conservation code adopted.** The *International Energy Conservation Code*,<sup>2</sup> 2018 edition, is hereby adopted by reference as though copied herein verbatim. (Ord. #2016-06, Nov. 2016, modified)

**12-602. Modifications.** Whenever the energy code refers to the "Responsible Government Agency," it shall be deemed to be a reference to the City of South Fulton. When the "Building Official" is named it shall, for the purposes of the energy conservation code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the energy conservation code. (1994 Code, § 12-602)

**12-603. Available in recorder's office.** Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the energy conservation code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1994 Code, § 12-603)

**12-604. Violations and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy conservation 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 fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1994 Code, § 12-604, modified)

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<sup>1</sup>Municipal code references

- Fire protection, fireworks, and explosives: title 7.
- Planning and zoning: title 14.
- Streets and other public ways and places: title 16.
- Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**CHAPTER 7****MECHANICAL CODE****SECTION**

12-701. Mechanical code adopted.

12-702. Available in recorder's office.

12-703. Violations and penalty.

**12-701. Mechanical code adopted.** The *International Mechanical Code*,<sup>1</sup> 2018 edition, is hereby adopted by reference as though copied herein verbatim. (Ord. #2016-06, Nov. 2016, modified)

**12-702. Available in recorder's office.** Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the mechanical 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. #2013-07, Nov. 2013)

**12-703. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2013-07, Nov. 2013)

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

## CHAPTER 8

PROPERTY MAINTENANCE CODE

## SECTION

- 12-801. Property maintenance code adopted.  
12-802. Modifications.  
12-803. Available in recorder's office.  
12-804. Violations and penalty.

**12-801. Property maintenance code adopted.** Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Property Maintenance Code*,<sup>1</sup> 2018 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the property maintenance code.

**12-802. Modifications.** The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "Building Official" are used in the property maintenance code, they shall refer to the person designated by the board of commissioners to enforce the provisions of the property maintenance code.

**12-803. Available in recorder's office.** Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-804. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as

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<sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. JUNKED VEHICLES.
4. SLUM CLEARANCE.
5. OUTDOOR BURNING.
6. INOPERABLE VEHICLES.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Enforcement.
- 13-109. Recovery of abatement costs.
- 13-110. Barking dog; unsanitary conditions.
- 13-111. Yard waste prohibited in storm sewerage system.
- 13-112. Overgrown and dirty lots.
- 13-113. Storage of materials.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the board of commissioners shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1994 Code, § 13-101)

**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,

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(10).

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. (1994 Code, § 13-102)

**13-103. Stagnant water.** It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1994 Code, § 13-103)

**13-104. Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder, code enforcement, or chief of police to cut such vegetation when it has reached a height of over eight inches (8"). (Ord. #2023-02, Sept. 2023)

**13-105. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1994 Code, § 13-105)

**13-106. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1994 Code, § 13-106)

**13-107. House trailers.** It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1994 Code, § 13-107)

**13-108. Enforcement.** The South Fulton Health Officer is hereby authorized to use city personnel, agents, contractors, equipment, and resources to abate any of the nuisances enumerated in this chapter. Whenever the enforcement officer shall deem such a public nuisance to exist, he shall issue a notice to the parties hereinafter stated, and such notice shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;



- (3) Request the public nuisance to be abated; and
- (4) Advise the said party that he has ten (10) days to abate the nuisance or to make a written demand for a hearing before the enforcement officer, or else the public nuisance will be removed and abated by the city.

The notice shall be sent by certified or registered mail, return receipt requested, to the last known address of the owner of the property whereon the nuisance is located, as it appears on the current tax assessment roll.

In the event a hearing is demanded, such hearing shall be held within five (5) days after the demand is made and shall be conducted by the enforcement officer, who shall hear all the facts and testimony on the nuisance. Such hearing shall not be limited by technical rules of evidence. The enforcement officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes of this chapter. He may delay the time for abatement of the nuisance if, in his opinion, circumstances justify it.

At the conclusion of any hearing, the enforcement officer may find that a nuisance exists and order the same to be abated by the property owner. The health officer's written abatement order shall include a description of the nuisance and a compliance deadline.

Any interested party may appeal the decision of the enforcement officer by appealing to any court of competent jurisdiction pursuant to the rules of civil procedure within fourteen (14) days after the decision. If no appeal is taken within the time prescribed, or immediately after a final judicial review affirming the right to abate the nuisance, the enforcement officer is hereby authorized, empowered, and directed to cause the nuisance to be abated. (Ord. #2012-05, Sept. 2012)

**13-109. Recovery of abatement costs.** The cost of such nuisance abatement shall be accounted for by the enforcement officer, and where the full amount due the city for such service is not paid by such owner within thirty (30) days after the such nuisance abatement, then and in that case, the enforcement officer shall cause to be recorded in the Obion County Register's Office a sworn statement showing the cost and expenses incurred for the work, the date the work was done, and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes charge against the property designated or described in the statement and that the same is due and collectible as provided by law. (Ord. #2012-05, Sept. 2012)

**13-110. Barking dog; unsanitary conditions.** (1) Any adult person who possesses, uses, leases, or owns residential or commercial real estate in the City of South Fulton and who violates any of the following subsections will be cited and charged with a violation of this section.

(2) It shall be a violation of this section for any person to:

(a) Allow a dog to bark continuously or to such a degree that at least two (2) persons residing at different addresses file complaints in writing with the South Fulton Police Department; or

(b) Allow or continue to allow unsanitary conditions at the person's residence to interfere with the reasonable use and enjoyment by adjoining landowners or tenants of their residences and yard. Persisted strong odors or waste-laden runoff affecting the adjoining property owners shall be sufficient cause to be a violation of this section.

(3) Persons violating this section shall be subject to the punishments set forth in the municipal code. (Ord. #2000-4, June 2000)

**13-111. Yard waste prohibited in storm sewerage system.**

(1) Definitions. For the purposes of interpreting and enforcing this section, the following definitions shall apply.

(a) "Storm sewerage system." Any drainage ditch, street, gutter, culvert, drainage tile or pipe, or storm water detention pond which is owned by the City of South Fulton, or any privately owned facilities which deposit storm water into the drainage ditches, streets, gutters, culverts, drainage tiles or pipes, or storm water detention ponds of the City of South Fulton.

(b) "Yard wastes." Trees, tree limbs, leaves, brush, weeds, grass clippings, landscape pruning, garden plants, and other natural materials.

(2) Placement of leaves, grass clippings, and other yard wastes in the city's storm sewerage system is prohibited. It shall be unlawful for any person to place leaves, grass clippings, or other yard wastes into any part of the storm sewerage system owned by the City of South Fulton, or into any privately owned storm sewerage system which drains or deposits into the city's sewerage system.

(3) Penalty for violation. All persons found to be in violation of any provision of this section shall be subject to a fine in the Municipal Court of the City of South Fulton not to exceed fifty dollars (\$50.00) plus any and all applicable court costs. (Ord. #2010-01, April 2010)

**13-112. Overgrown and dirty lots.** (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-13, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush, weeds, and/or the accumulations of debris, trash, or garbage or any combination of the preceding elements so as to endanger the health, safety, or

welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The board of commissioners delegates to the city manager to designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner(s). It shall be the duty of the department or person designated by the city manager to enforce this section, to serve notice upon the owner(s) of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquid, steam, sewage, or other materials) excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by both registered or certified United States mail and first class United States mail, postage prepaid, addressed to the last known address of the owner(s) of record. The notice shall state that the owner(s) of the property is entitled to a hearing and shall at the minimum, contain the following information:

(a) A brief statement that the owner(s) is/are in violation of § 13-112 of the South Fulton Municipal Code, which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113 and that the property of such owner(s) may be cleaned up at the expense of the owner(s) and a lien placed against the property to secure the cost of the clean-up.

(b) The person, office, address, and telephone number of the department or person giving the notice.

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of the cost in the city; and

(d) A place wherein the notified party may return a copy of the notice indicating the desire for a hearing.

(4) Clean-up at the property owner's expense. If the property owner(s) of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquid, steam, sewage, or other materials), the department or person designated by the city manager to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards in the community, and the cost thereof shall be assessed against the owner(s) of the property. The city may collect the costs assessed against the owner(s) through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the Office of the Register of Deeds in Obion

County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessment, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they shall be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean up of owner-occupied property. When the owner(s) of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the city manager to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with the reasonable standards in the community, with these costs to be assessed against the owner(s) of the property. The provision of subsection (4) above shall apply to the collection of costs against the owner(s) of an owner-occupied residential property except that the municipality must wait until the cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectable as provided in subsection (4) above for these charges.

(6) Appeal. The owner(s) of record who is/are aggrieved by the determination and order of the public officer may appeal the determination and order of the city commission. The appeal shall be filed with the recorder within ten (10) days following the receipt of the notice issued pursuant to subsection three (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the city commission under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances, or other applicable law which permits the city to proceed against an owner, tenant, or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush, and/or accumulation of the debris, trash, litter, or garbage or any combination of the proceeding elements, under its charter, or any other provisions of this municipal code of ordinances or any other applicable law. (Ord. #2023-02, Sept. 2023)

**13-113. Storage of materials.** (1) This section prohibits certain materials from being stored or placed in a disorderly manner onto a porch, a patio, a balcony, deck, yard, any other exterior area, including a trailer (a trailer to pull behind a vehicle) parked in or about the property unless specifically zoned or properly permitted for such accumulation in the city.

(2) No property owner shall allow materials defined herein by the city as CLUTTER to be stored or accumulated on their property other than in a fully enclosed structure with a closeable door, said structure shall be a building with a primary use as a storage structure. The city defines CLUTTER as any and all of the following: an accumulation of new or salvaged lumber; new or salvaged shingles; salvaged electrical wire; salvaged conduit; salvaged fence wire; any type of salvaged metal or aluminum; chunks or piles of broken concrete; piles or stacks of new or salvaged masonry products such as blocks or bricks; salvaged plastic products, buckets, barrels, milk crates, cleaning and other building supplies, vinyl siding, gutters, inoperable antennas and satellite dishes; wooden or plastic pallets; working or non-working tools, equipment, machinery, auto parts, tires, rims, wheels, or furniture; appliances such as stoves, dishwashers, refrigerators, freezers, or televisions; sinks, bathtubs, or toilets; piles or bags of aluminum cans, glass, or plastic bottles; garbage, rubbish, or refuse; junk lawnmowers; broken toys; broken bicycles; inoperable lawnmowers, motorcycles, vehicles, or all-terrain vehicles; toys and bicycles scattered around the property, or the like; all of which are stored, kept, or amassed in a disorderly or unsightly manner.

(3) The provisions of this section shall not apply to the storage or placement upon any property of the following materials:

(a) Firewood intended for consumption in a wood burning stove, furnace, or indoor fireplace or outdoor patio fireplace located within or without a building located upon the subject premises, provided that all such firewood shall, at all times, be stacked and stored in an appropriate place, but in no event upon the front porch of any house or other residential structure.

(b) Operable lawn, yard, or garden tools, equipment, or implements.

(c) Lawn or patio furniture that is specifically designed for said use and in good repair.

(d) Standing fences in good repair.

(e) Hoses or sprinklers used for watering lawns or gardens.

(f) Materials used in connection with commercial activities conducted upon the premises where such storage, placement, and accumulation of materials have been expressly authorized by the city.

(g) Construction materials and equipment used for the construction, renovation, demolition, or razing of a building located upon the premises for which a current building demolition, or razing permit has been issued.

(4) Inspection and enforcement shall be done by a duly appointed code enforcement officer for the city. Penalties shall constitute a violation of the property maintenance code and follow the fine schedule contained in the City of South Fulton Code of Ordinances as a property maintenance code violation. Appeal of such violation shall be heard and enforced by the code enforcement board. (Ord. #2023-02, Sept. 2023)

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

## 13-201. Junkyards.

**13-201. Junkyards.**<sup>1</sup> All junkyards within the corporate limits shall be operated and maintained subject to the following regulations.

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1994 Code, § 13-201)

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<sup>1</sup>State law reference

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

## CHAPTER 3

### JUNKED VEHICLES

#### SECTION

- 13-301. Definitions.
- 13-302. Junked vehicles declared to be public nuisance.
- 13-303. Provisions of this chapter are supplemental.
- 13-304. Duties of building inspector.
- 13-305. Enforcement.
- 13-306. Disposal of junked vehicles.
- 13-307. Nonliability of city.
- 13-308. Prior removal of junked vehicles deemed to be compliance with chapter.
- 13-309. Chapter cumulative.
- 13-310. Violations and penalty.

**13-301. Definitions.** For the purposes of this chapter, the following terms, phrases, words, and their duration shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future; words used in the plural number shall include the singular number; words used in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Junked appliances." Any unit, or part thereof, of machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to: stoves, refrigerators, television sets, beds, lamps, tools, objects of art, etc., the condition of which is one (1) of the following:

- (a) Wrecked;
- (b) Dismantled;
- (c) Partially dismantled;
- (d) Inoperative;
- (e) Abandoned; or
- (f) Discarded.

(2) "Junked motor vehicles." Any contrivance, or parts thereof, propelled by power and used for transportation of persons and property on public streets and highways, the condition of which is one (1) or more of the following:

- (a) Wrecked;
- (b) Dismantled;
- (c) Partially dismantled;
- (d) Inoperative;
- (e) Abandoned; or
- (f) Discarded.



(3) "Person." Any individual, firm, partnership, corporation, association, company, or organization of any kind. (1994 Code, § 13-301)

**13-302. Junked vehicles declared to be public nuisance.** The presence of any junked motor vehicle or appliance on public property or on any private lot, tract, or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of South Fulton, Tennessee, shall be deemed a public nuisance, and shall further be considered rubbish or refuse and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning, or discarding any motor vehicle or appliance on the real property of another or to suffer, permit, or allow a junked motor vehicle or appliance to be parked, left, or maintained on his own real property, provided that this provision shall not apply with regard to:

- (1) Any motor vehicle or appliance in an enclosed building;
- (2) Any motor vehicle or appliance on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise during normal business hours;
- (3) Any motor vehicle or appliance on property occupied and used for repair, reconditioning, and remodeling of motor vehicles or appliances shall, within a six (6) month period after final reading of this section, put in place a fence to shield from public view all wrecked, dismantled, partially dismantled, inoperable, or discarded motor vehicles or appliances;
- (4) Any motor vehicle classified as antique or classic while in wrecked, dismantled, partially dismantled, or inoperative state shall be maintained in enclosed building or placed in enclosed area seventy-two inches (72") in height which shields vehicles from public view, said vehicle will hold all current state, county, and city registrations; or
- (5) Any motor vehicle which is parked without current state, county, and city registrations shall be considered inoperable.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law. (1994 Code, § 13-302)

**13-303. Provisions of this chapter are supplemental.** This chapter is not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles or appliances within the city. Such junked motor vehicles and appliances are hereby declared to be a public nuisance and unlawful as set out in § 13-302 above. The provisions of this chapter are supplemental and in addition to all other regulatory codes, statutes, and ordinances heretofore enacted by the city, state, or any other legal entity or agency having jurisdiction. (1994 Code, § 13-303)

**13-304. Duties of building inspector.** The provisions of this chapter shall be administered and enforced by the building inspector or city manager (as

directed by the board of commissioners). In the enforcement of this chapter, such officer and his duly authorized agents, assistants, employees, or contractors may enter upon private or public property to examine a junked motor vehicle or appliance; or obtain information as to the identity of a junked motor vehicle or appliance and of the owner thereof, and to remove or cause removal of a junked motor vehicle or appliance declared to be a nuisance pursuant to this chapter. (1994 Code, § 13-304)

**13-305. Enforcement.** Whenever the enforcement officer shall deem such a public nuisance to exist, he shall issue a notice to the parties hereinafter stated, and such notice shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;
- (3) Request the public nuisance to be abated; and
- (4) Advise the said party that he has ten (10) days to abate the nuisance or to make a written demand for a hearing before the enforcement officer, or else the public nuisance will be removed and abated by the city.

The notice shall be sent by certified or registered mail, return receipt requested, to the last known address of the owner of the property whereon the nuisance is located, as it appears on the current tax assessment roll. Where the owner of the property is not the occupant thereof, such notice shall be mailed also to the occupant(s). The enforcement officer shall coordinate his efforts to determine ownership of a junked motor vehicle with the South Fulton Police Department, and notice shall also be sent to the last registered and legal owner of record of the junked motor vehicle, unless the owner is the owner or occupant of the premises whereon the nuisance is located, and unless identification numbers are not available to determine ownership of the vehicle. If the owner, or his address, of any junked motor vehicle is not known or cannot be readily ascertained, the notice to him to abate, and of his right to a hearing, may be given by attaching such notice to the vehicle no less than ten (10) days before action is to be taken. If the latter method of service is used, the enforcement officer shall make an affidavit attesting to such facts. Where a junked motor vehicle is found to be upon any public property within the city, notice to the owner of the vehicle is all that shall be required. Where a junked appliance is found on public property, no notice shall be required.

In the event a hearing is demanded, such hearing shall be held within five (5) days after the demand is made and shall be conducted by the enforcement officer, who shall hear all the facts and testimony on the condition of the junked motor vehicle or appliance and the circumstances concerning the location. Such hearing shall not be limited by technical rules of evidence. The enforcement officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes of this chapter. He may delay the time for removal of the junked motor vehicle or appliance if, in his opinion, circumstances justify it. At the conclusion of any hearing, the

enforcement officer may find that a junked motor vehicle or appliance has been abandoned, wrecked, dismantled, or is inoperative, on private or public property, and order the same removed from the property as a public nuisance and order disposal of same. The order requiring removal shall include a description of the junked appliance or junked motor vehicle and the correct identification number and state license tag number of the junked motor vehicle, if available at the site.

Any interested party may appeal the decision of the enforcement officer by appealing to any court of competent jurisdiction pursuant to the *Rules of Civil Procedure* within fourteen (14) days after the decision. If no appeal is taken within the time prescribed, or immediately after a final judicial review affirming the right to remove the nuisance, the enforcement officer shall cause the junked motor vehicle or appliance to be removed and disposed of in any manner as he may provide. (1994 Code, § 13-305)

**13-306. Disposal of junked vehicles.** Upon the failure, neglect, or refusal to abate by any owner-occupant or owner of private property who has been notified and ordered to abate such public nuisance within the times as set forth above, the enforcement officer is hereby authorized, empowered, and directed to remove same and dispose of it.

The cost of such removal and disposal shall be accounted for by the enforcement officer, and where the full amount due the city for such service is not paid by such owner within thirty (30) days after the disposal of such nuisance, then and in that case, the enforcement officer shall cause to be recorded in the Obion County Register's Office a sworn statement showing the cost and expenses incurred for the work, the date the work was done, and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes charge against the property designated or described in the statement and that the same is due and collectible as provided by law. (1994 Code, § 13-306)

**13-307. Nonliability of city.** Neither the owner or occupant of the premises from which any aforesaid junked motor vehicles shall be removed, their servants or agents, or any department of the City of South Fulton, or its agents, shall be liable for any loss or damage to said junked motor vehicle while being removed or as a result of any subsequent sale or other disposition. (1994 Code, § 13-307)

**13-308. Prior removal of junked vehicles deemed to be compliance with chapter.** The removal of the junked motor vehicle from the premises prior to the time for removal by the city shall be considered compliance with the provisions of this chapter and no further action shall be taken against the owner of the junked motor vehicle or appliance or the owner or occupant of the premises. Written permission given to the enforcement officer for the removal of the junked motor vehicle or appliance by the owner of same or the owner or occupants of the premises on which it is located, shall be considered compliance with the provisions of this chapter on their part and no further action shall be taken against the ones giving such permission, except for collection of towing charges or hauling costs for the removal of the nuisance. (1994 Code, § 13-308)

**13-309. Chapter cumulative.** The provisions of this chapter shall be deemed cumulative of the provisions and regulations contained in the Municipal Code of South Fulton, Tennessee, save and except that where the provisions of this chapter and the sections hereunder are in conflict with the provisions elsewhere in the South Fulton Municipal Code, then the provisions contained herein shall prevail. (1994 Code, § 13-310)

**13-310. Violations and penalty.** In addition to the civil remedies provided for in this chapter, it shall be unlawful for any person to continue and maintain the public nuisance as described herein, and any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished according to the general penalty provision of the municipal code of ordinances. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (1994 Code, § 13-309)

## CHAPTER 4

### SLUM CLEARANCE

#### SECTION

- 13-401. Definitions.
- 13-402. Structures unfit for habitation to be repaired, closed, or demolished.
- 13-403. Procedure for abating unfit structures.
- 13-404. Conditions rendering structures unfit for human habitation.
- 13-405. Service of complaints or orders.
- 13-406. Powers of the public officer.
- 13-407. Chapter confers supplementary powers and procedures.

**13-401. Definitions.** The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context.

(1) "Dwelling." Any building or structure or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body." The board of commissioners of the City of South Fulton.

(3) "Municipality." The City of South Fulton.

(4) "Owner." The holder of the title in fee simple and every mortgage of record.

(5) "Parties in interest." All individuals, associations, corporations, and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "Place of public accommodation." Any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

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

(8) "Public officer." The building inspector. He is hereby designated and authorized to exercise the powers prescribed by this chapter and by *Tennessee Code Annotated*, title 13, chapter 21.

(9) "Structure." Any dwelling or place of public accommodation. (1994 Code, § 13-401)

**13-402. Structures unfit for habitation to be repaired, closed, or demolished.** The City of South Fulton hereby finds that there exists in this city, structures which are unfit for human habitation and therefore hereby

ordains that such structures shall be repaired, closed, or demolished in the manner herein provided. (1994 Code, § 13-402)

**13-403. Procedure for abating unfit structures.** (1) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human habitation, or whenever it appears to the public officer (on his own motion) that any structure is unfit, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structures a complaint stating the charges in that respect and containing a notice that a hearing will be held before the planning commission at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the planning commission.

(2) If after such notice and hearing, the planning commission determines that the structure under consideration is unfit for human habitation, the public officer shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration, or improvement of the said structure can be made at a reasonable cost in relation to the value of the structure, (not to exceed fifty percent (50%) of the value of the structure), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human habitation or to vacate and close the structure; or

(b) If the repair, alteration, or improvement of the said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the structure), requiring the owner, within the time specified in the order, to remove or demolish such structure.

(3) If the owner fails to comply with an order to repair, vacate, close, remove, or demolish the structure, the public officer may cause such structure to be dealt with as required by the order served upon said owner, and that the public officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building is prohibited and unlawful."

(4) The amount of the cost of such repairs, alterations, and improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale

against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer, and shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court, provided that nothing in this section shall limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by appropriate proceedings. (1994 Code, § 13-403)

**13-404. Conditions rendering structures unfit for human habitation.** The public officer may determine that a structure is unfit for human habitation if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety, or morals of the occupants of such structure, the occupants of neighboring structures, or other residents of the city; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (1994 Code, § 13-404)

**13-405. Service of complaints or orders.** Complaints or orders issued by the City of South Fulton's designated public officer pursuant to this municipal code, regardless of chapter, shall be served personally upon the owner or mailed by certified mail (with a duplicate mailed by regular mail). There shall be no requirement to prove that actual delivery has been made if the letter is addressed to the landowner's address as shown on the city's tax rolls or the tenant's address as shown on city utility records. If the address of the owner(s) or tenant is not known, the public officer shall make an affidavit to that effect and serve the complaint or order upon the owner(s) or tenant by publishing two (2) times a notice in the weekly *Fulton Shopper* or in any other publication having wide circulation throughout Obion County. Such notice and service by publication shall have the same order and effect as other service by publication set forth in the *Tennessee Rules of Civil Procedure* and law. (Ord. #2002-3, June 2002)

**13-406. Powers of the public officer.** The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

- (1) To investigate the conditions of structures in the municipality in order to determine which structures are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses, and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

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

(5) To delegate any of his functions and power under this chapter to such officers and agents as he may designate. (1994 Code, § 13-406)

**13-407. Chapter confers supplementary powers and procedures.**

Nothing in this chapter shall be construed to abrogate or impair the powers of the court or of any department of the city to enforce any provisions of its charter or other ordinances or regulations, nor to prevent or punish violations thereof, and the powers and procedures prescribed by this chapter shall be in addition and supplemental to the powers conferred by any other law. (1994 Code, § 13-407)



## CHAPTER 5

### OUTDOOR BURNING

#### SECTION

13-501. Outdoor burning regulated.

13-502. Permit: types of fires.

13-503. Permit: application process.

13-504. Permit: regulations concerning burning.

13-505. Exemptions.

**13-501. Outdoor burning regulated.** No person shall burn or allow others to burn trash, rubbish, leaves, construction materials, branches, undergrowth, nor any other substance within city limits except when such fire is exempt, as described below, or when a permit for the outdoor burning has been issued by the Fire Department of the City of South Fulton, Tennessee. (1994 Code, § 13-501)

**13-502. Permit: types of fires.** A permit may be issued for the following types of fires within the city limits of South Fulton:

(1) Fires for the destruction of natural vegetation which has been cut and stacked as a result of a single, residential yard cleanup;

(2) Fires for large outdoor gatherings involving a controlled bonfire; and

(3) Fires for burning of building materials may be allowed depending on the quantity of materials and the types of materials to be burned. No plastics, rubber, or asphalt materials shall be burned. (1994 Code, § 13-502)

**13-503. Permit: application process.** To obtain a permit required by this chapter, the applicant shall file an application with the fire department which shall include:

(1) The type of materials to be burned;

(2) The location of the fire;

(3) The individual(s) designated as being responsible for controlling the fire shall sign for the permit; and

(4) A statement that throughout the burning a garden hose of sufficient length will be maintained for immediate use in assisting and controlling the fire by the person responsible for controlling said burning. (1994 Code, § 13-503)

**13-504. Permit: regulations concerning burning.** (1) Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water

supply or other fire extinguishing equipment readily available for use. (Pursuant to provisions of the adopted building code.<sup>1</sup>)

(2) Outdoor burning will only be permitted during the hours of 8:00 A.M. through 6:00 P.M. Permits will state the times when such burning is to be allowed. Burning in excess of the times set in the permit shall be considered a violation of this chapter.

(3) No permit will be issued during times where burning is prohibited by state or county officials due to increased fire hazards which are climate or weather related.

(4) No fee shall be required to obtain an outdoor burning permit.

(5) All such permits shall be available for inspection throughout the period of the time the permit is issued and burning is in progress. Failure to have the permit available will constitute a violation of this chapter, the same as if no permit was obtained when burning was conducted.

(6) The permit shall be issued by the fire department on the particular date on which burning is to be conducted. Burning shall only apply for the date stated in the permit. Any outdoor burning conducted after such date shall require a separate permit. Permits will not be granted more than six (6) hours in advance of the intended burning times. Even if a permit has been issued, it is subject to being canceled if wind and weather conditions change so that continued burning would create an unnecessary hazard.

(7) The fire department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires inadvisable. (Pursuant to provisions of the adopted building code). (1994 Code, § 13-504)

**13-505. Exemptions.** The following types of outdoor fires are exempt from the permit process:

- (1) Contained cooking fires; and
- (2) Fire in outdoor fire pits, fireplaces, or burn barrels. (1994 Code, § 13-505)

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<sup>1</sup>Municipal code reference:  
Building code: title 12, chapter 1.

## CHAPTER 6

### INOPERABLE VEHICLES

#### SECTION

- 13-601. Definitions.
- 13-602. Violation declared.
- 13-603. Storage on private property restricted.
- 13-604. Removal required.
- 13-605. Notice to remove.
- 13-606. Serving of notice.
- 13-607. Hearing.
- 13-608. Removal by the city.
- 13-609. Entry to remove; removal by owner.
- 13-610. Violations and penalty.

**13-601. Definitions.** For the purposes of this chapter, the following terms are defined as hereinafter set forth, to-wit:

(1) "Commercial property." Any lot, tract, parcel, land, or other property located within the City of South Fulton, Tennessee, on which any business, industry, or commercial enterprise exists, or any property that is located within an area of the City of South Fulton that is zoned for commercial or industrial use.

(2) "Inoperable vehicle." Any vehicle not currently licensed, or which has been abandoned, or is in a state of disassembly, or in the process of being stripped, dismantled, overhauled, or undergoing body work, or other condition that renders the vehicle inoperable or incapable of being used for its designed or intended purpose.

(3) "Junk." Includes, but not be limited to, any used or second-hand parts of machinery, parts and portions of automobiles, trucks, buses, motorcycles, water craft, or other motor vehicles.

(4) "Owner or owners." The title holder or person having right of possession of real or personal property, or agent of legal title holder of said property.

(5) "Person." Any individual, owner, title holder, agent, firm, corporation, partnership, association, or organization of any kind. It shall include, but not be limited to, any tenant, lessee, manager, operator, occupant, executor, executrix, administrator, administratrix, guardian, or other person in charge of, care of, possession of, or control of property,

(6) "Premises." Any lot, yard, plot, parcel, or other piece of land or property located within the City of South Fulton, Tennessee.

(7) "Residential property." Any lot, tract, parcel, land, or other property located within the City of South Fulton, Tennessee, on which single or multi-family structures used as a residence or for human habitation exist, or

any property that is located within an area that is zoned for residential use by the City of South Fulton, Tennessee.

(8) "Vehicle." Any device in, upon, or by which any person or property is or may be transported, carried, or drawn from one (1) place to another, and shall include, but not be limited to, motor vehicles, boat trailers, utility trailers, horse trailers, bicycles, motorcycles, carts, tractors, or other devices. (Ord. #99-1, April 1999)

**13-602. Violation declared.** On enacting this chapter, the board of commissioners finds and declares that the accumulation and storage of inoperable vehicles (whether licensed or unlicensed) or junk on private residential or commercial property, which motor vehicles are in the nature of rubbish and unsightly debris, violates the zoning regulations of the city and constitutes a nuisance detrimental to the health, safety, and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of private residential or commercial property; invite plundering, create fire hazards and other safety and health hazards to minors as well as adults; interfere with the comfort and well-being of the public; and create, extend, and aggravate urban blight, and that the public health, safety, and general welfare require that such conditions be regulated, abated, and prohibited. (Ord. #99-1, April 1999)

**13-603. Storage on private property restricted.** (1) Storage on private property restricted. It shall be unlawful to park, store, or leave, or to permit the parking or storing of any licensed or unlicensed inoperable vehicle of any kind or junk, for a period in excess of seven (7) days, whether attended or not, upon any private residential or commercial property within the city unless the same is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of such business enterprise and unless the vehicle is being repaired actively. This exception shall not exempt the owner or operator of any such business from any other zoning, building, property maintenance, and other regulations governing business engaged in repairing vehicles.

(2) It shall not be a violation of this section for persons to store inoperable vehicles or junk in any garage capable of being closed off from public view. Likewise, it shall not be a violation of this chapter to store inoperable vehicles under a carport when said vehicle is covered by a protective cover when not being worked on. (Ord. #99-1, April 1999)

**13-604. Removal required.** The accumulation and storage of one (1) or more such inoperable vehicles or junk in violation of the provisions of this chapter shall constitute rubbish and debris and a nuisance detrimental to the health, safety, and general welfare of the inhabitants of the city. It shall be the duty of the registered owner of such inoperable vehicle or junk and it shall also

be the duty of the person in charge or control of the private property upon which such inoperable vehicle or junk is located, whether as owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage. (Ord. #99-1, April 1999)

**13-605. Notice to remove.** The chief of police or any officer of the police department is hereby authorized and empowered to give notice to the owner or person in possession or control of any premises in the City of South Fulton, Tennessee, on which there is located an inoperable vehicle or junk as set forth in § 13-601 herein, which said notice shall direct said person to appear before the Municipal Court of the City of South Fulton, Tennessee, at a time and place to be fixed in said notice, and then and there show cause why the said vehicle or junk should not be declared a nuisance, and an order issued requiring the same to be removed and impounded. Said notice shall be in substantially the following form:

#### NOTICE

To the following owner or person in possession or control of the property located in the City of South Fulton, Tennessee:

(NAME AND ADDRESS OF PROPERTY OWNER)

You are hereby notified that there exists on the above mentioned property an abandoned, wrecked, rusted, partially dismantled, or inoperable motor vehicle or junk in violation of South Fulton City Code §§ 13-602 and 13-603.

You are further notified that a hearing will be conducted by the Municipal Judge of the Municipal Court of the City of South Fulton, Tennessee, at the courtroom for said Court in the City of South Fulton, Tennessee, at \_\_\_\_\_ o'clock, A.M., on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ at which time and place you are directed to appear and show cause, if any you have, why the said automobile should not be declared a nuisance and an order issued requiring same to be removed and impounded. License Plate Number: \_\_\_\_\_ VIN Number/Serial Number: \_\_\_\_\_. (Ord. #99-1, April 1999)

**13-606. Serving of notice.** The notice provided for in the foregoing section shall be served upon the owner or person in possession or control of said property, if his address is known or he can be found within the City of South Fulton, Tennessee, but if such person is not known or cannot be found, service of said notice shall be effected by posting one (1) copy thereof on the premises where the said inoperable vehicle or junk is found. The notice as herein provided for shall be served or posted, as the case may be, at least fourteen (14) days

before the date fixed for hearing before the municipal judge. (Ord. #99-1, April 1999)

**13-607. Hearing.** At the time and place appointed in the notice provided for in § 13-605, the judge shall conduct a hearing for purposes of determining whether the said vehicle or junk complained of exists in violation of this chapter, and if he finds that same constitutes a violation of this chapter, he shall so declare the same and make an order requiring the removal of said inoperable vehicle or junk within ten (10) days from the making of said order. Court costs shall be assessed by the court in any case in which a violation existing at the time the notice was given. The court may dismiss the case on payment of court costs if a finding is made that a violation of the chapter, existing at the time of the notice, has since been remedied by the owner or person in possession or control of the inoperable motor vehicle or junk. (Ord. #99-1, April 1999)

**13-608. Removal by the city.** In addition to and not in lieu of any other procedure prescribed in this chapter or in this code for removal of inoperable vehicles or junk from private residential or commercial property, if the registered owner of any motor vehicle which is in violation of this chapter or the owner or person in lawful possession or control of the private property upon which the same is located shall fail, neglect, or refuse to remove or house such inoperable vehicle or junk in accordance with the notice given pursuant to the provisions of this chapter, the chief of police shall verify by inspection the information provided by the owner of the property on which the vehicle is located, and may remove and dispose of such vehicle or junk in the manner provided for by *Tennessee Code Annotated*, §§ 55-16-101, *et seq.* The city may thereafter maintain an action in the appropriate court against any person or persons upon whom notice was served as required by this chapter to recover the costs of removing and disposing of such vehicle or junk in the event the proceeds of any sale thereof shall be insufficient to recover such costs. (Ord. #99-1, April 1999)

**13-609. Entry to remove; removal by owner.** The chief of police, any regularly employed and salaried officer of the police department of the city, contracting agents of the City of South Fulton, and employees of such contracting agents, and authorized officers, employees, and agents of the City of South Fulton, and each of them, are hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this chapter. It shall be unlawful for any person to interfere with, hinder, or refuse to allow them to enter upon private property for such purpose. Any removal or housing of such vehicle or junk in accordance with said notice, either by duly constituted public officials or an authorized private party, shall be at the expense of the owner of the said vehicle and the owner of the property on which the vehicle is located. (Ord. #99-1, April 1999)

**13-610. Violations and penalty.** (1) The owner or person having possession or control of any premises on which there exists an inoperable motor vehicle or junk in violation of this chapter, who having been personally served with the notice provided for in § 13-605 hereof, and who having had the opportunity to be heard as provided for in § 13-607, who shall fail, neglect, or refuse to comply with the order of the municipal judge requiring the removal of said inoperable motor vehicle or junk within the time specified therefor, shall be guilty of violation of this chapter, and on conviction shall be punished as provided herein. Each days violation constitutes a separate offense. Relocating said vehicle to another property within the city limits does not abate said nuisance.

(2) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not less than fifty dollars (\$50.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. #99-1, April 1999, modified)

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. 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 city manager and another member of the board of commissioners selected by the board of commissioners; the other three (3) members shall be appointed by the city manager. 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 city manager 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 city manager and the member selected by the board of commissioners shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the city manager. (1994 Code, § 14-101)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13. (1994 Code, § 14-102)

**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. (1994 Code, § 14-103)



**CHAPTER 2****ZONING ORDINANCE****SECTION**

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

14-202. Communications antennas.

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of South Fulton shall be governed by Ordinance #83-6, titled "Zoning Ordinance, South Fulton, Tennessee," and any amendments thereto.<sup>1</sup> (1994 Code, § 14-201)

**14-202. Communications antennas.** Unless a carrier can otherwise show that it is not feasible, all telecommunications antennae shall be co-located on city water towers. (Ord. 2000-2, June 2000)

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<sup>1</sup>Ordinance #83-6, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

**CHAPTER 3****FLOOD DAMAGE PREVENTION ORDINANCE****SECTION**

14-301. Flood damage control to be governed by flood damage prevention ordinance.

**14-301. Flood damage control to be governed by flood damage prevention ordinance.** Regulations governing flood damage control within the City of South Fulton shall be governed by Ord. #2013-08, titled "South Fulton Municipal Floodplain Zoning Ordinance" and any amendments thereto.<sup>1</sup> (1994 Code, § 14-301)

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<sup>1</sup>Ordinance #2013-08 (Jan. 2014), 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 PARKING<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

#### MISCELLANEOUS<sup>2</sup>

#### SECTION

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

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

Under *Tennessee Code Annotated*, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by *Tennessee Code Annotated*, § 55-10-401; failing to stop after a traffic accident, as prohibited by *Tennessee Code Annotated*, §§ 55-10-101, *et seq.*; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-7-116; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Motorcycles, bicycle riders, etc.
- 15-122. Truck weight limits.
- 15-123. Reckless driving.
- 15-124. Seatbelts; littering.
- 15-125. Compliance with financial responsibility law.
- 15-126. Adoption of state traffic statutes.

**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. (1994 Code, § 15-101)

**15-102. Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1994 Code, § 15-102)

**15-103. One-way streets.** On any street for one (1) 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. (1994 Code, § 15-103)

**15-104. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the streets 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; or

(c) Upon a roadway designated and signposted by the city for one (1) 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. (1994 Code, § 15-104)

**15-105. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one (1) way streets, either lane may be lawfully used in the absence of markings to the contrary. (1994 Code, § 15-105)

**15-106. Yellow lines.** On streets with a yellow line placed to the right of any lane line or centerline, 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. (1994 Code, § 15-106)

**15-107. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city 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. (1994 Code, § 15-107)

**15-108. General requirements for traffic-control signs, etc.** Pursuant to *Tennessee Code Annotated*, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*,<sup>2</sup> and shall be uniform as to type and location throughout the city.

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<sup>1</sup>Municipal code references

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

<sup>2</sup>For the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, *et seq.*

**15-109. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be, or is an imitation of, or resembles 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. (1994 Code, § 15-109)

**15-110. Presumption with respect to traffic-control signs, etc.** When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (1994 Code, § 15-110)

**15-111. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols, when such patrols are assigned under the authority of the chief of police, and are acting in accordance with instruction; 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. (1994 Code, § 15-111)

**15-112. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1994 Code, § 15-112)

**15-113. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1994 Code, § 15-113)

**15-114. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1994 Code, § 15-114)

**15-115. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1994 Code, § 15-115)

**15-116. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve inches (12") square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1994 Code, § 15-116)

**15-117. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1994 Code, § 15-117)

**15-118. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Classified and Commercial Driver License Act of 1988."

**15-119. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1994 Code, § 15-119)

**15-120. Damaging pavements.** No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1994 Code, § 15-120)

**15-121. Motorcycle, bicycle riders, etc.** Motorcycle and bicycle riders shall be subject to the following regulations.

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

(2) No person operating or riding a bicycle, motorcycle, or motor scooter 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.

(3) No bicycle, motorcycle, or motor scooter shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

(4) No person operating a bicycle, motorcycle, or motor scooter shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

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

(6) The 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.

(7) 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, face shield, or glasses containing impact resistant lenses for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(8) 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 to knowingly permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1994 Code, § 15-121)

**15-122. Truck weight limits.** (1) Trucks or buses of gross weight in excess of five thousand (5,000) pounds shall not be operated upon any of the streets of the city, except those streets designated as state or federal highways, except trucks making pickup or deliveries to businesses or residents situated on streets other than designated state or federal highways. Furthermore, an



exception is hereby made for those trucks (tractors) to travel city maintained streets for the purpose of parking said trucks at private residence.

(2) A fine of twenty-five dollars (\$25.00) may be assessed for the violation of this section. (1994 Code, § 15-122)

**15-123. 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. (1994 Code, § 15-123)

**15-124. Seatbelts; littering.** (1) Failure to wear or use seatbelts or safety belts in passenger vehicles. It shall be a violation of this section and a penal offense of the City of South Fulton, Tennessee, for any person to drive any passenger vehicle upon the streets and roadways of this city or to allow any passenger in the vehicle to ride without using a seatbelt or other safety belt restraint system. A separate violation may be charged by any city police officer against the driver who does not wear a seatbelt and one (1) additional violation against the driver for each passenger who is required to, but is found to not be wearing a seatbelt or safety belt restraint system (as in the case of small children not using safety restraint systems).

(2) Prohibition against littering. It shall be a violation of this section and a penal offense of the City of South Fulton, Tennessee, for any person to deposit any trash, refuse, paper, or garbage on the city's streets from any vehicle, whether moving or stationary, or while walking on the streets or adjacent sidewalks or yards.

(3) Penalties for violations. The city judge, upon the finding of guilt or plea of guilt of any person to have violated any of the above prohibited conducts (set forth in subsections (1) and (2) above), shall punish the violator with the same amount of court costs and fine as may be adjudged for a person who failed to stop at a stop sign. Nothing herein should be interpreted to require the city judge to set any fine or to prohibit the city judge from awarding an amount of fine which is less than the maximum allowed.

(4) Choice of court to bring charges. Nothing in this section should be interpreted to require any police officer from the City of South Fulton, Tennessee to bring charges for seat belt violation as a city violation when, in the police officer's judgment, the charge should be brought as a violation of Tennessee statute. (Ord. #2006-2, Jan. 2006)

**15-125. Compliance with financial responsibility law required.**

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under *Tennessee Code Annotated*, title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the

time of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault. For the purposes of this section, "financial responsibility" shall be defined by *Tennessee Code Annotated*, § 55-12-139:

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge that is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected, notwithstanding any law to the contrary.

**15-126. Adoption of state traffic statutes.** By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the city/town adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in *Tennessee Code Annotated*, §§ 55-8-101 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the city/town adopts *Tennessee Code Annotated*, § 55-4-101 through 55-4-135, §§ 55-8-181 to 55-8-193, §§ 55-8-199, 55-8-204, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-50-351 by reference as if fully set forth in this section.

## 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. (1994 Code, § 15-201)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1994 Code, § 15-202)

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<sup>1</sup>Municipal code reference

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

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1994 Code, § 15-203)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or police officer. (1994 Code, § 15-204)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.
- 15-305. Upon certain highways and streets.
- 15-306. In certain subdivisions of the city.

**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. (1994 Code, § 15-301)

**15-302. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1994 Code, § 15-302)

**15-303. In school zones.** Pursuant to *Tennessee Code Annotated*, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation, shall not be less than fifteen (15) miles per hour, and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of commissioners has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1994 Code, § 15-303, modified)

**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. (1994 Code, § 15-304)

**15-305. Upon certain highways and streets.** (1) The speed limit on Chicksaw Drive on U.S. 51 from the old Pierce Road overpass, over U.S. 51 to the Kentucky state line shall be forty-five (45) miles per hour.

(2) The speed limit on Highway U.S. 45E in South Fulton, Tennessee, said street being also known as Broadway, from log mile 4.71, which point is now the South Fulton City Limits, to log mile 5.78, which is .18 miles north of McKimmey Street, be forty-five (45) miles per hour; and that the speed limit from log mile 5.78 to the Kentucky state line be thirty-five (35) miles per hour. (1994 Code, § 15-305)

**15-306. In certain subdivisions of the city.** The speed limit on all streets within the Howard Milam Subdivision, the Town and Country Subdivision, and the Pierce Station Road Subdivision shall be twenty-five (25) miles per hour. (1994 Code, § 15-306)

## CHAPTER 4

TURNING MOVEMENTS

## SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two (2) way roadways.

15-404. Left turns on other than two (2) way roadways.

15-405. U-turns.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1994 Code, § 15-401)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1994 Code, § 15-402)

**15-403. Left turns on two (2) 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 centerline thereof and by passing to the right of the intersection of the centerline of the two roadways. (1994 Code, § 15-403)

**15-404. Left turns on other than two (2) way roadways.** At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1994 Code, § 15-404)

**15-405. U-turns.** U-turns are prohibited. (1994 Code, § 15-405)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 55-8-143.

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

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

**15-501. 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. (1994 Code, § 15-502)

**15-502. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1994 Code, § 15-503)

**15-503. At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') 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 one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach; or
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1994 Code, § 15-504)



**15-504. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk 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. (1994 Code, § 15-505)

**15-505. At "yield" signs.** The drivers of all vehicles shall yield the right-of-way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1994 Code, § 15-506)

**15-506. At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) 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.

(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. (1994 Code, § 15-507)

**15-507. At flashing traffic-control signals.** (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city, it shall require obedience by vehicular traffic as follows.

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1994 Code, § 15-508)

**15-508. At pedestrian-control signals.** Wherever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows.

(1) **Walk.** Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) **Wait or Don't Walk.** No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1994 Code, § 15-509)

**15-509. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1994 Code, § 15-510)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 55-8-143.

## CHAPTER 6

### PARKING

#### SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. 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.
- 15-613. One hour parking on Broadway.
- 15-614. Curbside parking on Central Avenue.
- 15-615. Curbside parking on Rosenwald Drive.

**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 city shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one (1) way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street and in such cases the left wheels shall be required to be within eighteen inches (18") of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley 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. (1994 Code, § 15-601)

**15-602. Angle parking.** On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall

back a vehicle into such a parking space but shall park the vehicle with its front wheels next to the curb or edge of the street. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (1994 Code, § 15-602)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1994 Code, § 15-603)

**15-604. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the city, nor:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection or within fifteen feet (15') thereof;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within fifty feet (50') of a railroad crossing;
- (7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of 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; or
- (11) Alongside any curb painted yellow or red by the city. (1994 Code, § 15-604)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1994 Code, § 15-605)

**15-606. Regulation by parking meters.** In the absence of an official sign to the contrary which has been installed by the city, 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 commissioners, parking shall be regulated by parking meters where the same have been installed by the city. The presumption shall be that all installed parking meters were lawfully installed by the city. (1994 Code, § 15-606)

**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. (1994 Code, § 15-607)

**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 (1) 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. (1994 Code, § 15-608)

**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 (1) space may be permitted to occupy two (2) adjoining spaces provided proper coins are placed in both meters. (1994 Code, § 15-609)

**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. (1994 Code, § 15-610)

**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. (1994 Code, § 15-611)

**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. (1994 Code, § 15-612)

**15-613. One hour parking on Broadway.** It shall be unlawful for the owner or operator to park or allow his vehicle to be parked for a period of time in excess of one (1) hour in the city on that portion of the street named

Broadway which lies between State Line Road and Harris Folk Circle. (1994 Code, § 15-613)

**15-614. Curbside parking on Central Avenue.** Curbside parking will be lawfully allowed only on the west side of Central Avenue, from East State Line Road to Gin Street, in the City of South Fulton. (1994 Code, § 15-614)

**15-615. Curbside parking on Rosenwald Drive.** Curbside parking will not be lawfully allowed on the north side of Rosenwald Drive from Craig Street to the Ken-Tenn Community Center, in the City of South Fulton. (1994 Code, § 15-615)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violations and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, 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. (1994 Code, § 15-701, modified)

**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. (1994 Code, § 15-702)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1994 Code, § 9-703)

**15-704. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so

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<sup>1</sup>State law reference

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

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 costs shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1994 Code, § 15-704)

**15-705. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in *Tennessee Code Annotated*, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of *Tennessee Code Annotated*, §§ 55-16-103 to 55-16-109. (1994 Code, § 15-705)

**15-706. Violations 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 city 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 his fine shall be three dollars (\$3.00).

(b) **Other parking violations excluding handicapped parking.** For other parking violations, excluding handicapped parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00), provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days his civil penalty shall be five dollars (\$5.00). (1994 Code, § 15-706, modified)



## CHAPTER 8

### VEHICLE REGISTRATION

#### SECTION

- 15-801. Registration.
- 15-802. Fees.
- 15-803. Collection of fees.
- 15-804. Transfer of certification.
- 15-805. Annual registration required.
- 15-806. Violations and penalty.

**15-801. Registration.** (1) Every person, firm, business, or corporation (other than those defined in subsection (4) below) living in, having, and/or operating a place of business in South Fulton and further having motor vehicles regularly using the city streets shall be required to register any and all motor vehicles held by the person, firm, business, or corporation, with the Obion County Court Clerk annually. And as evidence of registration of each motor vehicle, the Obion County Court Clerk shall issue a registration certificate for each vehicle registered. The Obion County Court Clerk shall issue the certificate of registration at the same time as the state license plate purchased or renewed for each motor vehicle. The city registration shall expire at the same time as each motor vehicle's state license plate.

(2) A vehicle shall be considered to be housed or kept in the city if three (3) or more days a week or twelve (12) or more days a month the vehicle is located in the City of South Fulton.

(3) A motor vehicle is defined as any vehicle required to be licensed by the State of Tennessee, or for business purposes, any other state, to drive upon the public roadways. This includes cars, trucks, vans, motorcycles, motor scooters, motor bikes, motor homes, motorized campers, and any other similar vehicle capable of moving under its own power. All personal motor vehicles belonging to residents within the city are required to be licensed by the State of Tennessee as provided in *Tennessee Code Annotated*, title 55, chapter 4.

(4) City registration fees will be waived for one (1) vehicle per family bearing a State of Tennessee license plate designated to former prisoners of war or disabled veterans. Further, city registration fees will be exempt for school, church, and government vehicles. City registration is not required for vehicles owned by persons employed within the city but reside outside the city. (Ord. #2013-02, Aug. 2013)

**15-802. Fees.** The fee for each motor vehicle as described herein for using the city streets shall be thirty dollars (\$30.00) if timely registered. An additional fee of five dollars (\$5.00) shall be charged for motor vehicles not timely registered. The city's definition of timely registration shall be the same

as that set forth by the resolution of the Obion County Commission for collection of its wheel tax. (Ord. #2013-02, Aug. 2013)

**15-803. Collection of fees.** The Mayor is authorized and directed to execute on behalf of the city a contract with Obion County and/or its County Clerk containing such terms and provisions as will carry out the intent of this chapter as authorized by *Tennessee Code Annotated*, § 7-51- 703. The collection of the fees for the city will be done on the same basis and in the same manner as provided by resolution of the Obion County Commission for collection of its wheel tax, and shall provide the same collection procedure and the same proration as required by the resolution adopted by the County Commission for collection of its wheel tax. The contract shall also contain other terms and provisions about the remittance of the fees collected by the County Clerk to the City as the Mayor may deem appropriate on behalf of the city. (Ord. #2013-02, Aug. 2013)

**15-804. Transfer of certification.** The city's requirement relating to the transfer of the city's certification for registration shall be the same as that provided by the resolution for Obion County as adopted by Obion County Commission for collection of its wheel tax, and vehicle registration issued by the County Clerk shall be evidence of payment of the city's fee. (Ord. #2013-02, Aug. 2013)

**15-805. Annual registration required.** Any person, firm, business, or corporation owning or operating an automobile agency and/or used motor vehicle lot in South Fulton shall be required to purchase an annual city registration for every vehicle for which a state license plate is purchased, demonstrator or otherwise, and the fee shall be thirty dollars (\$30.00) for each dealer certificate of registration. (Ord. #2013-02, Aug. 2013)

**15-806. Violations and penalty.** Any person, firm, business, or corporation who violates this chapter shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars (\$25.00) and not more than fifty dollars (\$50.00) plus court costs, and the city judge shall not have any authority to dismiss any citation issued by any authorized officer if the court finds that there has been a violation of this section, and the fine and payment of the court costs shall be mandatory. Each day that a person, firm, business, or corporation violates this section shall be a separate offense. (Ord. #2013-02, Aug. 2013)

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Placement of basketball goals.
- 16-115. Dedication of streets to park.

**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. (1994 Code, § 16-101)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley, or sidewalk at a height of less than fourteen feet (14'). (1994 Code, § 16-102)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**16-103. Trees, etc., obstructing view at intersections prohibited.**

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1994 Code, § 16-103)

**16-104. Projecting signs and awnings, etc., restricted.**

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1994 Code, § 16-104)

**16-105. Banners and signs across streets and alleys restricted.**

It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of commissioners. (1994 Code, § 16-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1994 Code, § 16-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1994 Code, § 16-107)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (1994 Code, § 16-108)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow or ice from the abutting sidewalk. (1994 Code, § 16-109)

**16-110. Parades regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

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 immediately clean up the resulting litter. (1994 Code, § 16-110)

**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. (1994 Code, § 16-111)

**16-112. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1994 Code, § 16-112)

**16-113. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1994 Code, § 16-113)

**16-114. Placement of basketball goals.** (1) No portable or fixed basketball goal shall be placed, erected, or maintained within twenty-five feet (25') on either of the center of any public street within the municipal limits of the City of South Fulton, Tennessee so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00) and/or confiscation of portable or fixed basketball goal equipment. (Ord. #2004-10, Jan. 2005)

**16-115. Dedication of streets to park.** The mayor and board of commissioners hereby removes the following city streets from use as public thoroughfares and dedicates said decommissioned streets as part of the city's park:

(1) Dice Street, running east from the intersection of the eastern right-of-way of Williams Street to the intersection of Dice Street with the western right-of-way of the alley way behind Broadway Street;

(2) Wade Street, running west and then south from the intersection of Wade Street with the western right-of-way of Williams Street and continuing as Wade Street turns south and continues to the point where Wade Street turns into an east to west street; and

(3) Williams Street, from the intersection of Williams Street with the north right-of-way of Wade Street, and running South to the intersection of Williams Street with the north right-of-way of Wade Street. (Ord. #2013-04, Nov. 2013)

## CHAPTER 2

### EXCAVATIONS<sup>1</sup>

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Restoration of streets, etc.
- 16-204. Time limits.
- 16-205. 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. (1994 Code, § 16-201)

**16-202. Applications.** Applications for such permits shall be made to the city manager, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1994 Code, § 16-202)

**16-203. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel

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<sup>1</sup>State law reference

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

Municipal code reference

Use of power equipment in excavations: title 20, chapter 2.

was made. In case of unreasonable delay in restoring the street, alley, or public place, the city manager shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1994 Code, § 16-206)

**16-204. 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 refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city manager. (1994 Code, § 16-208)

**16-205. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city manager. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five feet (35') in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1994 Code, § 16-210)



**TITLE 17**

**REFUSE AND TRASH DISPOSAL<sup>1</sup>**

**CHAPTER**

**1. REFUSE.**

**CHAPTER 1**

**REFUSE**

**SECTION**

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. Storage of refuse.
- 17-104. Confiscation of unsatisfactory storage containers.
- 17-105. Limits of responsibility of refuse collector.
- 17-106. Collection of refuse.
- 17-107. Refuse disposal at city dump restricted.
- 17-108. Methods of disposal restricted.
- 17-109. Dumping in streams, sewers, and drains prohibited.
- 17-110. Service of compliance orders.
- 17-111. Schedule of rates.
- 17-112. Violations and penalty.

**17-101. Definitions.** (1) "Ashes." Includes the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(2) "Bulk-waste." Includes larger household items such as furniture or appliances.

(3) "Collector." Any person, firm, or corporation that collects, transports, or disposes of any refuse within the corporate limits of South Fulton, Tennessee.

(4) "Garbage." Includes all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products from all public and private residences and establishments.

(5) "Health officer." The health authority of the City of South Fulton or an authorized representative.

(6) "Refuse." Hereinafter referred to in this chapter shall include garbage, rubbish, ashes, yard-waste, bulk waste, and all other putrescible and

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

non-putrescible, combustible and non-combustible, materials originating from the preparation, cooking, and consumption of food, market refuse, waste from handling and sale of produce and other similar unwanted materials, but shall not include sewage, body wastes, or recognizable industrial by-products from all residences and establishments public and private.

(7) "Rubbish." Includes all non-putrescible waste materials except ashes from all public and private residences and establishments, including, but not limited to, scrap material, sheet rock, roofing materials, plywood, brick, or any other material left over from building, repairing, remodeling, or removing a structure of any type.

(8) "Yard-waste." Includes tree and hedge trimmings, branches, grass clippings, leaves, or any other waste collected as a result of general yard maintenance. (Ord. #2004-9, Sept. 2004)

**17-102. Premises to be kept clean.** All persons, firms, and corporations within the corporate limits of the City of South Fulton are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. Such persons, firms, and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection or to dispose of such material in a manner prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (Ord. #2004-9, Sept. 2004)

**17-103. Storage of refuse.** Each owner, occupant, tenant, subtenant, lessee or others using or occupying any building, house, structure, or grounds within the corporate limits of the City of South Fulton, where refuse materials or substances accumulate, as defined in § 17-101, not including yard-waste or bulk-waste, shall provide an adequate number of suitable containers of a type approved by the health officer, for the storage of such refuse. Such containers shall be constructed of strong and durable metal or plastic, not readily corrodible, rodent and insect-proof, of a capacity not exceeding thirty (30) gallons and not less than twenty (20) gallons, except that the maximum capacity shall not apply in cases where the city is equipped to handle containers of similar construction mechanically. Containers shall be equipped with handles to facilitate emptying and shall be equipped with tight-fitting lids or covers, constructed of the same material of such design as to preclude the free access of flies and other insects and to prevent the container from collecting water during rains. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by an official collector. All refuse shall not be placed at curbside any sooner than twenty-four (24) hours in advance of the scheduled pick-up time and any remaining containers shall be removed from curbside within twenty-four (24) hours from the scheduled pick-up

time. Refuse containers approved by the collector should be placed in a convenient accessible location for pick-up.

Wet garbage or refuse must be drained of all liquids and wrapped in paper or other equivalent material prior to placing into the refuse receptacle. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. (Ord. #2004-9, Sept. 2004)

**17-104. Confiscation of unsatisfactory storage containers.** The official refuse collecting agency of the city is herein authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when at the discretion of the health officer such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official collecting agency, only after the owner(s) of such containers have been duly notified of such impending action. (Ord. #2004-9, Sept. 2004)

**17-105. Limits of responsibility of refuse collector.** In no case will it be the responsibility of the refuse collecting agency or the city to shovel or pick up from the ground any accumulations of refuse including leaves, lawn clippings, brush, and packing material. All such materials are to be placed in the appropriate container or bundled in such a manner to prevent the scattering of refuse. (Ord. #2004-9, Sept. 2004)

**17-106. Collection of refuse.** (1) Collection interval. All refuse, as defined in § 17-101 shall be collected at least one (1) time per week in residential areas and as frequently as necessary in commercial and other similar areas. The collection of refuse shall be under the immediate supervision of the refuse collection department of the city. A refuse pick-up schedule will be established by separate resolution.

(2) Permits. No person, firm, or corporation shall engage in the business of collecting refuse or removing the contents of any refuse container (other than the owner of such containers) for any purpose whatsoever, who does not possess a permit to do so from appropriate authority of the City of South Fulton. Such permits may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined. Such permits may be suspended or revoked upon the violations of any of the terms of this chapter.

(3) Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials and easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent

the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds.

(4) Disposal service charge. The monthly charge for commercial and residential refuse collection shall be established by separate resolution.

Commercial and residential monthly service charges shall be billed at the same time and upon the same statement as for water service charges and sewer service charges, and shall be due and payable at the same time and under the same conditions and terms as are the water and sewer service charges.<sup>1</sup> In those cases where more than one (1) commercial establishment, owner, occupant, or other responsible person receives water service from a single water meter, the monthly service charge for each commercial or residential unit shall be billed to the person, firm, or corporation in whose names such water meter is listed or recorded on the records of the city.

Group meetings and special events shall pay the city for cleaning up and hauling off their refuse. The charge for such service shall be determined by the city manager and shall be paid to the city at the time the license or permit to exhibit is issued.

(5) Removal of rubbish and scrap material. Rubbish such as scrap lumber and scrap materials as defined herein from building, repairing, remodeling, or removing by commercial carpenters, builders, or other in the building trade or the owners' employee(s) shall be disposed of or removed from the premises by those doing the work or any person responsible for doing the work. (Ord. #2004-9, Sept. 2004)

**17-107. Refuse disposal at city dump restricted.** Because all refuse is picked up at curbside by either city employees or the authorized collection agency, disposal of refuse at the city dump is limited to authorized personnel only. The city dump will remain locked to the public at all times. If a resident accumulates enough refuse, excluding garbage, in between scheduled pick-ups, they may make arrangements by calling the office at the department of public works in advance to schedule a time and date to be allowed access to the dump. The city office will issue permits to the dump to tree trimming businesses with appropriate documentation. Said businesses will be allowed to dispose of trimmings collected within the city limits only. Advance arrangements shall be made with the department of public works for access to the dump. It shall be unlawful for any person, firm, or corporation to dump refuse, garbage, ashes, discarded furniture, discarded appliances, or other materials at, near, or adjacent to said city dump at any time. Solid waste picked up in Kentucky must be dumped elsewhere. It shall be unlawful for any other dumping than as herein specified. (Ord. #2004-9, Sept. 2004)

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<sup>1</sup>Municipal code reference

Water and sewer service administration: title 18.

**17-108. Methods of disposal restricted.** The disposal of refuse in any quantity by any individual, house holder, establishment, firm, corporation in any place, public or private, other than the site or sites designated by the constituted authority of the City of South Fulton is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the department of health, and provided that such methods shall include the maximum practical, rodent, insect, and nuisance control at the place of disposal, and provided that no garbage shall be fed to swine unless said garbage has first been heated to at least two hundred twelve degrees Fahrenheit (212°F) and held there at least thirty (30) minutes in apparatus and by methods approved the Tennessee Department of Agriculture as set forth in *Tennessee Code Annotated*, title 44, chapter 2, part 4. Provided further that animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the health officer. (Ord. #2004-9, Sept. 2004)

**17-109. Dumping in streams, sewers, and drains prohibited.** It shall be unlawful for any person, firm, or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the City of South Fulton. (Ord. #2004-9, Sept. 2004)

**17-110. Service of compliance orders.** It shall be the duty of the health officer authorized representative to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenants, or lessees of such properties where violations of this chapter are known to exist, and providing that such violations be corrected within the time specified by the health officer. (Ord. #2004-9, Sept. 2004)

**17-111. Schedule of rates.** The board of commissioners desires to establish the following rates and fees for refuse collection with rates and charges to be re-adjusted as necessary by amendment to the ordinance.

Business and commercial carts	1 time per week	\$12.00
Business and commercial carts	2 times per week	\$25.00
Commercial hand pickup	1 time per week	\$25.00
Residential carts	1 time per week	\$12.00
2cy commercial	1 time per week	\$61.00
2cy commercial	2 times per week	\$121.30
4cy commercial	1 time per week	\$92.00

4cy commercial	2 times per week	\$174.40
6cy commercial	1 time per week	\$104.60
6cy commercial	2 times per week	\$212.20
8cy commercial	1 time per week	\$115.80
8cy commercial	2 times per week	\$235.20

(Ord. #2015-06, Nov. 2015)

**17-112. Violations and penalty.** Any person who shall violate any of the provisions of this chapter or who shall fail or refuse to obey any notice issued by the department of health or superintendent of the refuse collection department, with reference to the storage, accumulation, or disposal of refuse as described in § 17-101, shall be guilty of a misdemeanor and shall be subject to punishment pursuant to the general penalty provisions of this code of ordinances. (Ord. #2004-9, Sept. 2004)

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER.
2. SEWERS.
3. INDUSTRIAL WASTEWATER.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.
5. CONSTRUCTION OF PRIVATELY OWNED WELLS AND SPRINGS.

**CHAPTER 1****WATER****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Application and contract for service.
- 18-104. Service charges for temporary service.
- 18-105. Connection and turn-on charges.
- 18-106. Meters.
- 18-107. Meter tests.
- 18-108. Water cut-off valve.
- 18-109. Multiple services through a single meter.
- 18-110. Billing.
- 18-111. Discontinuance or refusal of service.
- 18-112. Reconnection charge.
- 18-113. Termination of service by customer.
- 18-114. Access to customers' premises.
- 18-115. Inspections.
- 18-116. Customer's responsibility for system's property.
- 18-117. Customer's responsibility for violations.
- 18-118. Supply and resale of water.
- 18-119. Unauthorized use of or interference with water supply.
- 18-120. Limited use of unmetered private fire line.
- 18-121. Damages to property due to water pressure.
- 18-122. Liability for cutoff failures.
- 18-123. Restricted use of water.

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<sup>1</sup>Municipal code references

Building, utility, and residential codes: title 12.

Refuse disposal: title 17.

- 18-124. Interruption of service.
- 18-125. Schedule of rates.
- 18-126. Leak adjustments.

**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water and sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1994 Code, § 18-101)

**18-102. Definitions.** (1) "Customer." Any person, firm, or corporation who receives water service from the city under either an express or implied contract.

(2) "Discount date." The date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

(3) "Dwelling." Any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(4) "Household." Any two (2) or more persons living together as a family group.

(5) "Premises." Any structure or group of structures operated as a single business or enterprise, provided, however, the term "premises" shall not include more than one (1) dwelling.

(6) "Service line." Shall consist of the pipe line extending from any water main of the city to private property or up to a maximum of thirty feet (30"), whichever is shorter. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's municipality's water main to, and including, the meter and meter box. (1994 Code, § 18-102)

**18-103. Application and contract for service.** Each prospective customer desiring water service will be required before service is supplied to deposit a sum of money as prescribed by a rate schedule,<sup>1</sup> which the city may from time to time adopt by resolution. If, for any reason, a customer, after making the required deposit, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's deposit shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of these rules, regulations, and general practice, the liability of the city to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1994 Code, § 18-103)

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<sup>1</sup>This rate schedule is of record in the city recorder's office.



**18-104. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1994 Code, § 18-104)

**18-105. Connection and turn-on charges.** Service lines will be laid by the city from the water main to the property line or up to a maximum of thirty feet (30'), whichever is shorter, at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water or sewer service line will be laid by the city, the applicant shall make a deposit prescribed by a rate schedule,<sup>1</sup> which the city may from time to time adopt by resolution.

This deposit shall be used to pay the cost of laying such a new service line and appurtenant equipment.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to, and including, the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

There shall be a standard fee of five dollars (\$5.00) for turning on water (or gas) for customers after normal working hours for city employees and on Sundays and holidays. (1994 Code, § 18-105)

**18-106. Meters.** All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1994 Code, § 18-106)

**18-107. Meter tests.** The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

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<sup>1</sup>This rate schedule is of record in the city recorder's office.

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

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

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

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1994 Code, § 18-107)

**18-108. Water cut-off valve.** Any person, firm, or corporation building or materially altering any structure which would necessitate the installation or construction of a water line from the city meter immediately adjacent to the said structure, shall install a cut-off valve in the said water line immediately adjacent to the structure.

It is the intention and purpose of this section to require the water cut-off valve to be installed in such a manner that should the water inside the structure be cut off for any reason it will not be necessary to cut the water off in the water meter. (1994 Code, § 18-108)

**18-109. Multiple services through a single meter.** No customer shall supply water service to more than one (1) dwelling or premise from a single service line and meter without first obtaining the written permission of the city. (1994 Code, § 18-109)

**18-110. Billing.** Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semi-monthly, or monthly, at the option of the city.

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

In the event a bill is not paid on or before five (5) days after the discount date, a written notice conforming to § 18-111 shall be mailed to the customer. The notice shall advise the customer that his service may be disconnected. The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

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

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1994 Code, § 18-110)

**18-111. Discontinuance or refusal of service.** The board of commissioners shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations, including the nonpayment of bills;
- (2) The customer's application for service; or
- (3) The customer's contract for service.

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

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

No service shall be discontinued unless the customer is given reasonable written notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1994 Code, § 13-111)

**18-112. Reconnection charge.** Whenever service has been discontinued as provided for above, a reconnection charge of one dollar (\$1.00) shall be collected by the city before service is restored, provided that reconnections done

after normal hours and on Sunday or holidays shall be charged in the amount provided in § 18-105. (1994 code, § 18-112)

**18-113. Termination of service by customer.** Customers who wish to discontinue service must give at least three (3) days' written notice to that effect unless an existing contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract.

(1) Written notice of the customer's desire for such service to be discontinued may be required, and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1994 Code, § 18-113)

**18-114. Access to customers' premises.** The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1994 Code, § 18-114)

**18-115. Inspections.** The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage

which might have been avoided, had such inspection or rejection been made. (1994 Code, § 18-115)

**18-116. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1994 Code, § 18-116)

**18-117. Customer's responsibility for violations.** Where the city furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1994 Code, § 18-117)

**18-118. Supply and resale of water.** All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the city. (1994 Code, § 18-118)

**18-119. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1994 Code, § 18-119)

**18-120. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1994 Code, § 18-120)

**18-121. Damages to property due to water pressure.** The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1994 Code, § 18-121)

**18-122. Liability for cutoff failures.** The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the city has failed to cut off such service;

(2) The city has attempted to cut off a service but such service has not been completely cut off; or

(3) The city has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1994 Code, § 18-122)

**18-123. Restricted use of water.** In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1994 Code, § 18-123)

**18-124. Interruption of service.** The city will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the city water systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1994 Code, § 18-124)

**18-125. Schedule of rates.** All water furnished by the city shall be furnished under such rate schedules as the city may from time to time adopt by resolution.<sup>1</sup> (1994 Code, § 18-125)

**18-126. Leak adjustments.** (1) The customer is responsible for paying all metered water usage at the customer's service address and for paying all

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<sup>1</sup>Administrative regulations are of record in the office of the city recorder.

sewer charges based upon meter water usage. Customers are responsible for keeping their plumbing repaired and in good working order.

(2) The city will adjust high monthly water bill caused by a water leak in the customer's service line or plumbing when the following conditions are to be met.

(a) The water usage in the high monthly water bill must be more than one and one-half (1.5) times the customer's average monthly water usage for the preceding three (3) months. The month in which the leak occurred shall be excluded in calculating the customer's average monthly water usage for the preceding three (3) month period. When a customer does not have three (3) months of water usage history with the city, the customer's average water usage will be based upon the customer's water usage for the number of full months the customer has actually received water service at the service address.

(b) The customer must locate and timely repair the water leak which must be verified by the city.

(c) A leak must be repaired within thirty (30) days of the sooner of:

(i) Due date of the bill which shows the customer has a water leak; or

(ii) When the customer is notified of a leak by the city or by the customer to the city.

The customer must submit a leak adjustment request form to the city for any adjustment. If no such request is submitted by the customer, then no adjustment shall be given. Customers are allowed one (1) adjustment per calendar year that can be in two (2) consecutive billing cycles.

(d) When the customer has a repeated leak, the city may require the replacement of the water service line and/or other associated components on the customer's side of the meter before a leak adjustment is made.

(e) The leak adjustment will only be made in the billing cycle in which the leak is repaired.

(3) The leak adjustment for the water bill with at least three (3) previous monthly bills will be calculated as follows:

(a) Determine the customer's average monthly water usage from the customer's three preceding monthly bills, excluding the month in which the leak occurred.

(b) After determining the average of the three previous bills, simply bill that total also adjusting sewer usages accordingly if the customer has a sewer connection too.

(4) When a customer does not have three months of water usage history with the city, the customer's average monthly water usage will be based upon the customer's average water usage for the number of full months the customer has actually received water service at the service address.

(a) Add the customer's average monthly gallons water usage from the previous two (2) months.

(b) Divide the overage gallons by two (2) to determine the amount of gallons to be used to make the leak adjustment to the bill.

(c) The adjusted water will be computed using the customer's average monthly water usage, plus sales tax and any other charges that may apply.

Example: The customer's water usage on the high bill being adjusted is 20,000 gallons. The customer's average monthly water usage is 4,000 gallons per month. The leak adjustment is computed as follows:

Month 1	4,000
Month 2	<u>+4 000</u>
Overage gallons Averaged	8,000

$(8,000)/2=4,000$  - Overage gallons used to make water bill adjustment

Gallons used for adjusted bill - 4,000

(5) The customer is allowed one (1) sewer adjustment per calendar year for filling up a pool. The sewer bill will be adjusted to average.

(6) In hardship cases the city manager or their designee in their absence may approve monthly installment payments for the adjusted bill not to exceed six (6) consecutive monthly installments. Hardship is defined as a water bill over five hundred dollars (\$500.00). Customer must pay current bill and installment, if not paid customer will be cut off, and to be turned back on the whole bill and installment will have to be paid in full. (Ord. #2021-01, July 2021)



## CHAPTER 2

### SEWERS<sup>1</sup>

#### SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a connection to the public sewer is required.
- 18-204. When a septic tank shall be used.
- 18-205. Registration and records of septic tank cleaners, etc.
- 18-206. Use of pit privy or other method of disposal.
- 18-207. Approval and permit required for septic tanks, privies, etc.
- 18-208. Owner to provide disposal facilities.
- 18-209. Occupant to maintain disposal facilities.
- 18-210. Only specified methods of disposal to be used.
- 18-211. Discharge into watercourses and sewers restricted.
- 18-212. Classification of inspection applications, permits, and fees.
- 18-213. Sewer installation and maintenance expenses.
- 18-214. Sewer installation standards.
- 18-215. Excavations.
- 18-216. Sewage control devices.
- 18-217. Unauthorized interference with city sewage works.
- 18-218. Power and authority of inspectors.
- 18-219. Enforcement of chapter.
- 18-220. Carnivals, circuses, etc.
- 18-221. Schedule of sewer rates and fees.
- 18-222. Violations and penalty.

**18-201. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows.

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within one hundred feet (100') of any boundary of said property measured along the shortest available right-of-way.

(2) "Approved septic tank system." A water-tight 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 seven hundred fifty (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

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<sup>1</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

1958 bulletin entitled "Recommended Construction of Septic Tanks and Disposal Fields for Residential Uses." A minimum liquid depth of four feet (4') should be provided with a minimum depth of air space above the liquid of one foot (1'). 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 feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it shall 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.

(3) "Building drain." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage piped inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.

(4) "Building sewer." The extension from the building drain to the public sewer or other place of disposal.

(5) "Combined sewer." A sewer receiving both surface runoff and sewage.

(6) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(7) "Human excreta." The bowel and kidney discharges of human beings.

(8) "Industrial wastes." The liquid wastes from industrial processes as distinct from sanitary sewage.

(9) "Inspector." The person or persons duly authorized by the city, to inspect and approve the installation of building sewers and their connection to the public sewer system.

(10) "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.

(11) "Person." Any individual, firm, company, association, society, corporation, or group.

(12) "Public sewer." A sewer in which all owners of abutting properties have equal right and is controlled by public authority.

(13) "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.

(14) "Sanitary sewer." A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

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

(16) "Sewage works." All facilities for collecting, pumping, creating, and disposing of sewage.

(17) "Sewer." A pipe or conduit for carrying sewage.

(18) "Shall." Is mandatory; "may" is permissive.

(19) "Superintendent." The superintendent of the municipal sewage works of the City of South Fulton, Tennessee, or his authorized deputy, agent, or representative.

(20) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1994 Code, § 18-201)

**18-202. 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. (1994 Code, § 18-202)

**18-203. 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 premises accessible to the sewer, no other method of sewage disposal shall be employed. (1994 Code, § 18-203)

**18-204. 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 system 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. (1994 Code, § 18-204)

**18-205. 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. (1994 Code, § 18-205)

**18-206. Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1994 Code, § 18-206)

**18-207. 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. (1994 Code, § 18-207)

**18-208. 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 § 18-202, or the agent of the owner, to provide such facilities within ninety (90) days after date of official notice to do so. (1994 Code, § 18-208)

**18-209. 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. (1994 Code, § 18-209)

**18-210. 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. (1994 Code, § 18-210)

**18-211. Discharge into watercourses and sewers restricted.**

(1) 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.

(2) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

(3) 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.

(4) No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid, or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.

(5) The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the superintendent, who may prescribe limits on the strength and character of these waters and wastes. Where necessary, in the opinion of the superintendent, the owner shall provide at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the state board of health, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(6) Specific pollutant limitations. It shall be unlawful for any person to discharge wastewater containing any one (1) or more of the following metals in excess of the amounts shown below:

<u>METALS</u>	<u>MICRO GRAMS PER LITER</u>
Cadmium	1.6
Chromium	158.0
Copper	55.3
Cyanide	11.0
Lead	37.8
Nickel	214.3
Zinc	156.2
Phenol	1.6

(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 section, 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 (10) day notification is given to the user. (1994 Code, § 18-211)

**18-212. Classification of inspection applications, permits, and fees.** There shall be two (2) classes of building sewer inspections:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial waste.

In either case, the owner or his agent shall make application on a special form furnished by the city. The inspection applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of two dollars (\$2.00) for a residential or commercial building sewer inspection and three dollars (\$3.00) for an industrial building sewer inspection shall be paid to the city recorder at the time the application is filed. (1994 Code, § 18-212)

**18-213. Sewer installation and maintenance expenses.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by said installation. Before a connection to the public sewer can be made, the owner will be required to deposit the cost of the tap or a reasonable estimate of the cost at the time the sewer tap is requested to be made.

After the installation date of the sewer tap, the responsibility for repairing, maintaining, and eliminating stoppage in the sewer line, which is on the owner's property, shall be the entire responsibility of the property owner.

The property owner is responsible for reimbursing the city for any work that is done on that part of the sewer line within the street right-of-way, if there is a stoppage in said sewer line caused by an item or items placed therein by the owner or any person using the property of the owner. (1994 Code, § 18-213)

**18-214. Sewer installation standards.** The following standards shall apply to the installation of sewers under this chapter.

(1) **Every building to be provided with independent sewer.** A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another or 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 (1) building sewer. Other exceptions will be allowed only by special permission granted by the superintendent.

(2) Use of old sewer in new building. Old building sewers, or portions thereof, may be used in connection with new buildings only when they are found on examination and test by the inspector to meet all requirements of this chapter.

(3) Materials to be used for construction of building sewers. The building sewer shall be constructed of either vitrified clay sewer pipe and fittings meeting the current A.S.T.M. specifications for standard or extra strength clay sewer pipe or extra heavy cast iron soil pipe meeting the current A.S.T.M. Specifications or the Department of Commerce commercial standards for extra heavy cast iron soil pipe and fitting. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe may be accepted if laid on a suitable improved bed or cradle as approved by the said inspector.

(4) How joints and connections are to be made. All joints and connections shall be made gas-tight and water-tight. Vitrified Clay Sewer Pipe shall be fitted with factory made Resilient Compression Joints meeting the A.S.T.M. Specification for vitrified clay pipe joints having resilient properties (designation C425).

Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together.

The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces.

Joints for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch (1") deep. No paint, varnish, or putty will be allowed in the joints until they have been tested and approved.

(5) Size and slope of building sewer. The size and slope of the building sewers shall be subject to the approval of the inspector, but in no event shall the diameter be less than four inches (4"). The slope of such four inch (4") pipe shall not be less than one-eighth inch (1/8") per foot. A slope of one-fourth inch (1/4") per foot shall be used wherever practical.

(6) Elevation of building sewer. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. Pipe laying and backfill shall be performed in accordance with A.S.T.M. specification (designation C12) except that no

backfill shall be placed until the work has been inspected by the inspector or his representative.

(7) Elevation of building drain. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.

(8) Connection of building sewer to public sewer. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the inspector. All connections to the public sewer whether at a designated "Y" branch or otherwise shall be done by city personnel.

(9) Inspection required before connection of building sewer to public sewer. The applicant for the building sewer shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative. (1994 Code, § 18-214)

**18-215. Excavations.**<sup>1</sup> All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said city. (1994 Code, § 18-215)

**18-216. Sewage control devices.** (1) When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined in accordance with *Standard Methods for the Examination of Water and Sewage*, and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(2) Grease, oil, and sand interceptors shall be provided when, in the opinion of the inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand,

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<sup>1</sup>Municipal code references

Control and use of power equipment on property: title 20, chapter 2.  
Excavations and cuts: title 16, chapter 2.



and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (1994 Code, § 18-216)

**18-217. Unauthorized interference with city sewage works.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage work. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1994 Code, § 18-217)

**18-218. Powers and authority of inspectors.** The superintendent, inspector, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter. (1994 Code, § 18-218)

**18-219. 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 ensure full compliance with the term 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 ninety (90) 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. (1994 Code, § 18-219)

**18-220. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of person 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 ninety (90) days provided for in the preceding section. (1994 Code, § 18-220)

**18-221. Schedule of sewer rates and fees.** All sewer furnished by the city shall be furnished under the rate and fee schedules adopted by the city from time to time by resolution. (Ord. #2021-02, Sept. 2021)

**18-222. Violations and penalty.** Any person, persons, firm, association, 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. (1994 Code, § 18-221)

## CHAPTER 3

### INDUSTRIAL WASTEWATER

#### SECTION

18-301. General provisions.

18-302. Regulations.

18-303. Fees.

18-304. Administration.

18-305. Enforcement of industrial wastewater discharge permit.

**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 City of South Fulton and enables the city to comply with all applicable state laws and regulations and federal laws required by the Federal Water Pollution Control Act of 1972 and its subsequent amendments, and the general pretreatment regulations (40 CFR, part 403).

The objectives of this chapter are:

- (a) To protect the public health;
- (b) To prevent the introduction of pollutants into the POTW system which will interfere with the operation of the system or contaminate the resulting sludge;
- (c) To prevent the introduction of pollutants into the POTW system in amounts which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (d) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW system; and
- (e) To provide for the full and equitable distribution of the cost of the POTW system.

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

This chapter shall apply to the City of South Fulton and to persons outside the city who are, by contract or agreement with the city, users of the POTW. Except as otherwise provided herein, the city manager of the POTW 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, enacted by Public Law 92-500, October 18, 1972, 33 USC 1251, *et seq.*; as amended by Public Law 95-217, December 28, 1977; Public Law 97-117, December 29, 1981; Public Law 97-440, January 8, 1983, and Public Law 100-04, February 4, 1987.

(b) "Approval authority." The commissioner of the Tennessee Department of Environment and Conservation.

(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; or

(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 twenty degrees Celsius (20°C) expressed in terms of weight and concentration.

(e) "Building sewer." A sewer conveying wastewater from the premises of an industrial user to the POTW.

(f) "Categorical pretreatment standards." See national pretreatment standard or pretreatment standard.

(g) "Categorical industrial user." An industrial user subject to categorical or national pretreatment standards.

(h) "Chronic violation." The term used to describe violations of an industrial wastewater discharge permit when the limit for any one (1) parameter listed in the permit is exceeded by any magnitude for sixty-six percent (66%) or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six (6) month period covered by the semi-annual report required by the approval authority.

(i) "Cooling water." The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(j) "Control authority." Refers to the city manager or his authorized representative.

(k) "Conventional pollutants." Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH (40 CFR 401.16).

(l) "Daily maximum limits." The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(m) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(n) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit, or dwelling unit equivalent, containing sanitary facilities for the disposal of wastewater and used for residential purposes only and/or restroom wastes from commercial, institutional, and industrial users.

(o) "Environmental Protection Agency, or (EPA)." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(p) "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.

(q) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(r) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under § 307(b), (c), or (d) of the Act, into the POTW (including holding tank waste discharged into the system).

(s) "Industrial User (IU)." A source of non-domestic waste. Any non-domestic source discharging pollutants to the POTW.

(t) "Industrial wastewater discharge permit." As set forth in § 18-304(3) of this chapter.

(u) "Instantaneous maximum limit." The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(v) "Interference." An indirect discharge which, alone or in conjunction with an indirect discharge or discharges from other sources, both:

(i) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and

(ii) Therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Solid Waste Disposal Act of 1965, 42 U.S.C. § 7401 *et seq*, and the Toxic Substances Control Act of 1976, 15 U.S.C. § 2601 *et seq*, and the Frank R. Lautenberg Chemical Safety for the 21st Century Act, Public Law 114-182, 130 Stat 448.

(w) "National pretreatment standard or pretreatment standard." Any regulation promulgated by the EPA in accordance with § 307(b) and (c) of the Act which applies to a specific category of industrial users and provides limitations on the introduction of pollutants into POTWs (40 CFR 403.6 and 405-471). This term includes the national prohibited discharge standards under 40 CFR 403.5, including local limits (40 CFR 403.3 (j)).

(x) "National prohibitive discharges." Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 CFR 403.5.

(y) "New source." Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed national pretreatment standards under § 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility, or installation is constructed at a site at which no other source is located;

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(A) Construction on the site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building,

structure, facility, or installation meeting the criteria of this subsection but otherwise alters, replaces, or adds to existing process or production equipment.

(B) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous on-site construction program:

(a) Any placement, assembly or installation of facilities or equipment; or

(b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

(z) "National Pollutant Discharge Elimination System or NPDES permit." A permit issued to a POTW pursuant to § 402 or the Act.

(aa) "Person." Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(bb) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(cc) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(dd) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(ee) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of

discharging or otherwise introducing such pollutants into a POTW. (40 CFR 403.3(q).)

(ff) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user, including, but not limited to, discharge limits, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.

(gg) "Prohibited discharge." Discharge of a pollutant which may cause pass-through or interference to the POTW, pursuant to 40 CFR 403.5.

(hh) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by § 212 of the Act 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 pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city, users of the POTW.

(ii) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(jj) "Shall." is mandatory; "may" is permissive.

(kk) "Sanitary sewer." A sewer pipeline that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(ll) "Significant industrial user." Any industrial user of the POTW system who:

(i) Is a categorical industrial user;

(ii) Has a discharge flow to the POTW of twenty-five thousand (25,000) gallons or more per average work day of process wastewater (excluding sanitary, noncontact cooling, and boiler blow down wastewater);

(iii) Has a process wastewater discharge flow or conventional pollutant waste load greater than five percent (5%) of the base flow or waste load in the POTW system;

(iv) Has in his wastes toxic pollutants as defined pursuant to § 307 of the Act of Tennessee Statutes or rules; or

(v) Is found by the city, Tennessee Department of Environment and Conservation, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality, or air emissions generated by the POTW system.



(mm) "Significant Noncompliance (SNC)." Any violation of pretreatment requirements which meet one (1) or more of the following criteria:

- (i) Violations of wastewater discharge limits:
  - (A) Chronic violations;
  - (B) Technical Review Criteria (TRC) violations;
  - (C) Any other violation(s) of an industrial wastewater discharge permit effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public; or

- (D) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

- (ii) Violations of compliance schedule milestones, contained in an enforcement order by ninety (90) days or more after the schedule date. Milestone may include, but not be limited to, dates for starting construction, completing construction, and attaining final compliance;

- (iii) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date; and

- (iv) Failure to accurately reports noncompliance.

(nn) "Significant violation." A violation which remains uncorrected forty-five (45) days after notification of noncompliance: which is part of a pattern of noncompliance over a twelve (12) month period; which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under CFR 403.8(f)(2)(vi)(B) and 403.8(f)(2)(vii).

(oo) "State." State of Tennessee.

(pp) "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, 1997.

(qq) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(rr) "Surcharge." A fee charged to industrial users in excess of the normal sewer user charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW treatment plant was designed to treat, but which do not cause an interference with the POTW.

(ss) "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.

(tt) "Technical Review Criteria (TRC) violation." The term used to describe violations of an industrial wastewater discharge permit when:

(i) The limit for biochemical oxygen demand, total suspended solids, ammonia nitrogen, fats, oil and grease is exceeded by one hundred forty percent (140%) for thirty-three percent (33%) or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six (6) month period covered by the semiannual report required by the approval authority; or

(ii) The limit for any other pollutant, except pH, is exceeded by one hundred twenty percent (120%) for thirty-three percent (33%) or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six (6) month period covered by the semi-annual report required by the approval authority.

(uu) "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 § 307(a) of the Act (40 CFR 403 appendix B).

(vv) "User." Any person who contributes, causes, or permits the contribution of wastewater into the city's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.

(ww) "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.

(xx) "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 of any portion thereof.

(yy) "City." The City of South Fulton and/or the Mayor and Council of the City of South Fulton.

(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
NH3-N	-	Ammonia Nitrogen
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC	-	United States Code
TSS	-	Total Suspended Solids. (1994 Code, § 18-301, modified)

**18-302. Regulations.** (1) Use of public sewers required. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of South Fulton, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

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

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

The owner of all houses, building, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of South Fulton, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the POTW, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer by means of a building sewer in accordance with the provisions of this chapter within sixty (60) days after official notice to do so. Such connection shall be made at the place and in the manner as directed by the control authority.

Where a POTW sanitary sewer is not available within five hundred feet (500') of the building sewer, the building sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of this chapter and the Tennessee Department of Environment and Conservation, Division of Groundwater Protection Chapter 1200-1-6, New and Amended Rules, Regulations to Govern Subsurface Sewage Disposal Systems.

The owner of any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation necessary to obtain a grade equivalent to one-eighth inch (1/8") per foot in the building sewer, but is otherwise accessible to a public sewer as

provided in § 18-302(1). The owner shall provide a private sewage pumping station (grinder pump) to convey wastewater into the POTW sanitary sewer.

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

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

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

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

(b) "Building sewer construction." Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be six inches (6").

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

(iii) Six inch (6") building sewers shall be laid on a grade equal to or greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

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

(v) Building sewers shall be constructed only of (1) cast iron soil pipe or ductile iron pipe with compression joints, or (2) polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.

(vi) Cleanouts shall be located on building sewers as follows: one (1) located five feet (5') outside of the building, one (1) at the tap onto the POTW sanitary sewer and one (1) at each change of direction of the building sewer which is greater than forty-five (45) degrees. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one

hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") on a six inch (6") pipe.

(vii) Connections of building sewers to POTW sanitary sewer shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the control authority. All such connections shall be made gas-tight and water-tight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more, if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building drain is too low to permit gravity flow to the POTW sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(ix) The method to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and *Water Pollution Control Federal Manual of Practice No. 9*. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

(x) An installed building sewer shall be gas-tight and water-tight.

(xi) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the control authority.

(xii) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a POTW sanitary sewer.

(c) Inspection of connections. (i) The connection to the POTW sanitary sewer and all building sewers from the building to the POTW sanitary sewer shall be inspected by the control authority before the underground portion is covered.

(ii) The applicant for discharge shall notify the control authority when the building sewer is ready for inspection and connection to the POTW sanitary sewer. The connection shall be made under the supervision of the control authority.

(d) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on private property to ensure that the building sewer is water-tight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet specifications of the city. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff, or groundwater entry into the POTW sewer system are identified on building sewers on private property, the city manager may take any of the following actions.

(i) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter must be complete within sixty (60) days from the date of the written notice and entirely at the expense of the user.

(ii) Notify the user in writing of the nature of the problem(s) identified on the user building sewer and inform the user that the city will provide all labor, equipment, and materials necessary to make the repairs required to bring the building sewer within the requirements of this chapter. The work on private property will be performed at the city's convenience and the cost of all materials used will be charged to the user. The city will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the user shall be responsible for final landscaping, including, but not limited to, seeding, fertilizing, watering, mulching, sodding and replacing any shrubbery or trees displaced or damaged by the city during the execution of the work.

(3) 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 user's of the 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 the 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 (2) successive readings on an explosion hazard meter, at the point of discharge into the POTW system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limits (LEL) of the meter or have a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) using the test method specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any other substance which the 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 inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having pH less than 6.0 or more than 9.0, 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 POTW treatment plant process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed any limitation set forth in a categorical pretreatment standard.

(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 acute worker health and safety problems or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under § 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater with objectionable color which causes discoloration of the POTW treatment plant effluent to the extent that the NPDES permit is violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(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 which will cause the wastewater temperature at the introduction into the POTW to exceed forty degrees Celsius (40°C) (one hundred four degrees Fahrenheit (104°F)).

(j) Any pollutants, including oxygen demanding pollutants, such as BOD, NH<sub>3</sub>-N, and oil and grease, released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a discharge to the POTW have a flow rate or contain concentrations or quantities 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 city manager in compliance with applicable state or federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Any wastewater containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between zero and forty degrees Celsius (0 - 40°C) (thirty-two and one hundred four degrees Fahrenheit (32 - 104°F)) and/or cause interference or pass-through at the POTW treatment plant.



(n) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the city manager and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the city manager and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(o) Any trucked or hauled pollutants except at discharge points designated by the POTW.

When the control authority determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall: (1) advise the user of the impact of the contribution on the POTW; and (2) develop effluent limitations for such user to correct the interference with the POTW.

(4) National categorical pretreatment standards. National categorical pretreatment standards for new and existing sources set out in 40 CFR, subchapter N, parts 405 to 471 shall serve as the minimum requirements for all applicable Industrial users.

Upon the promulgation of national categorical pretreatment standards for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under § 18-302(6) of this chapter for industrial users in that subcategory, shall immediately supersede the limitations imposed under § 18-302(6) of this chapter. The control authority shall notify all affected industrial users of the applicable reporting requirements under 40 CFR 403.12.

(5) Modification of national categorical pretreatment standards. If the POTW system achieves consistent removal of pollutants limited by national pretreatment standards, the city may apply to the approval authority for modification of specific limits in the national pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in § 403.7(a)(3)(ii) of title 40 of the Code of Federal Regulations, part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the national pretreatment standards if the requirements contained in 40 CFR, part 403, § 403.7, are fulfilled and prior approval from the approval authority is obtained.

(6) Specific pollutant limitations. (a) Restrictions on wastewater strength. No person shall discharge wastewater containing in excess of the concentrations listed for each of the following pollutants:

<u>Pollutant</u>	<u>Daily Average* Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
Copper	9.0	18.0
Total Chromium	14.0	28.0
Nickel	8.2	16.4
Cadmium	2.4	4.8
Lead	1.2	2.4
Mercury	0.1	0.2
Silver	2.4	4.8
Zinc	4.2	8.4
Cyanide	1.9	3.8
Toluene	2.6	5.2
Benzene	0.4	0.8
1,1,1, Trichloroethane	12.6	25.2
Ethylbenzene	1.0	2.0
Carbon Tetrachloride	1.6	3.2
Chloroform	8.0	16.0
Tetrachloroethylene	3.0	6.0
Trichloroethylene	6.2	12.4
1,2 trans Dichloroethylene	1.6	3.2
Methylene Chloride	17.4	34.8
Total Phenols	3.4	6.8
Naphthalene	0.4	0.8
Total Phthalates	4.2	8.4

\*Based on 24-hour flow proportional composite samples.

Analyses for all pollutants listed herein shall be conducted in accordance with the requirements of 40 CFR part 136 or equivalent methods approved by the United States Environmental Protection Agency.

(b) Criteria to protect the POTW treatment plant influent. The city shall monitor the POTW treatment plant influent for each parameter in the following table. Analyses for all pollutants listed herein shall be conducted in accordance with the requirements of 40 CFR part 136 or equivalent methods approved by the United States Environmental Protection Agency. All industrial users shall be subject to the reporting and monitoring requirements set forth in § 18-304(3)(h), Reporting Requirements for Permittee, and § 18-304(3)(j), Inspection and Sampling, as to these parameters. In the event that the influent at the POTW treatment plant reaches or exceeds the levels established by said table,

the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the city such remedial measures as are necessary including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or in regulation affecting same or in the event changes are needed for more effective operation of the POTW.

<u>Parameter</u>	<u>Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)</u>	<u>Maximum Instantaneous Concentration Grab Sample (mg/l)</u>
BOD *	200	400
TSS *	200	400
NH3-N	20	40
Oil and Grease	100	200
Copper	0.20	0.40
Total Chromium	0.16	0.32
Nickel	0.40	0.80
Cadmium	0.01	0.02
Lead	0.13	0.26
Mercury	0.001	0.002
Silver	0.02	0.04
Zinc	0.48	0.96
Cyanide	0.73	1.46
Toluene	0.13	0.26
Benzene	0.02	0.04
1,1,1 Trichloroethane	0.63	1.26
Ethylbenzene	0.05	0.10

<u>Parameter</u>	Maximum Concentration in 24 Hour Flow Proportional Composite Sample <u>(mg/l)</u>	Maximum Instantaneous Concentration Grab Sample <u>(mg/l)</u>
Carbon Tetrachloride	0.08	0.16
Chloroform	0.40	0.80
Tetrachloroethylene	0.15	0.30
Trichloroethylene	0.31	0.62
1,2 trans- Dichloroethylene	0.08	0.16
Methylene Chloride	0.87	1.74
Total Phenols	0.17	0.34
Naphthalene	0.02	0.04
Total Phthalates	0.21	0.42

\*Wastewater treatment plant design value.

(7) Conventional pollutants. (a) BOD, TSS, and NH<sub>3</sub>-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH<sub>3</sub>-N). If an industrial user discharges concentrations of these pollutants in excess of the criteria to protect the POTW treatment plant influent listing in § 18-302(6)(b) of this chapter, added operation and maintenance costs will be incurred by the POTW. Therefore, any industrial user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in § 18-302(6)(b) of this chapter for any of the conventional pollutants such as BOD, TSS, and/or NH<sub>3</sub>-N will be subject to a surcharge. The formula for this surcharge is listed in § 18-303(3) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for BOD, TSS, and/or NH<sub>3</sub>-N on the industrial user if the industrial user's discharge of the excessive strength wastewater causes to the POTW treatment plant to violate its NPDES permit.

(b) Oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants.

"Free" and "emulsified" oil and grease shall be differentiated based on the following procedure.

One aliquot of sample shall be extracted with freon using EPA method 413.1, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "free" oil and grease. A second aliquot of sample shall be prepared by adding sulfuric acid and heating until any emulsion breaks. The sample shall then be extracted with freon using EPA method 413.1. The result of this analysis will be considered "total" oil and grease. "Emulsified" oil and grease will be considered the arithmetic difference between "total" and "free" oil and grease.

If an industrial user discharges concentrations of "free" oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in § 18-302(6)(b) of this chapter for "free" oil and grease, added operation and maintenance costs will be incurred by the POTW. Therefore, any industrial user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in § 18-302(6)(b) for "free" oil and grease will be subject to a surcharge. The formula for this surcharge is listed in § 18-303 of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for "free" oil and grease on the industrial user if the industrial user's discharge of the excessive strength wastewater causes to the POTW treatment plant to violate its NPDES permit.

(8) 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.

(9) City's right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on users of the POTW system if deemed necessary to comply with the objectives presented in § 18-301(1) of this chapter.

(10) Excessive discharges. No industrial user shall ever increase the use of process water or, in any way, attempt to dilute a discharge by adding wastewater that would not have been generated except for use as a dilutant as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state.

(11) Accidental discharges. (a) Protection from accidental discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. No industrial user who commences contribution to the POTW

after June 1994 shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the control authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The industrial user shall sample and analyze for the parameters thought to have been violated within twenty-four (24) hours after discovery of the accidental discharge and report the results of the sample analysis to the control authority ((40 CFR 403.12(g)).

(i) Written notice. Within five (5) days following an accidental discharge, the industrial user shall submit to the control authority a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(ii) Notice to employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial users shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1994 Code, § 18-302)

**18-303. Fees.** (1) Purpose. It is the purpose of this chapter to provide for the recovery of costs from users of the city's wastewater disposal system for the administration, operation, maintenance, amortization of debt, and depreciation of the POTW. The applicable charges or fees 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 POTW's pretreatment program;

- (b) Fees for monitoring, inspections, and surveillance procedures associated with significant industrial users;
- (c) Fees for reviewing accidental discharge procedures and construction plans and specifications for significant industrial users;
- (d) Fees for permit applications;
- (e) Fees for inspection of building sewer connections;
- (f) Fees for filing appeals of enforcement actions taken by the city;
- (g) Fees for treating conventional pollutants discharged to the POTW by industrial users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;
- (h) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt, and depreciation of the POTW.
- (i) Other fees as the 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.

(3) Surcharge fees. If an industrial user discharges in excess of the criteria to protect the POTW treatment plant influent set out for the conventional pollutants BOD, TSS, NH3-N, and/or oil and grease in §§ 18-302(6) and 18-302(7), additional operation and maintenance costs will be incurred by the city. Therefore, any user who discharges in excess of the limits for any of these parameters will be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

Base Sewer Bill for X Monthly Usage	<u>Actual Monthly Average of Parameter Concentration (mg/l)</u> 24-Hour Flow Proportional Composite Sample Criteria to Protect the POTW Treatment Plant Influent	Base Sewer - Bill for Monthly Usage
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The city also reserves the right to, at any time, place limits which may not be exceeded on the industrial user's discharge if the industrial user's discharge of the excessive strength wastewater causes to the POTW treatment plant to violate its NPDES permit.

As an alternate to this formula, the city may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants. (1994 Code, § 18-303)

**18-304. Administration.** (1) Wastewater-discharge permits. There shall be two (2) classes of building sewer permits:

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

(b) For connection of industrial users to the POTW. In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority. A permit and inspection fee shall be paid to the city at the time the application is filed as set out in the city's schedule of charges and fees.

(2) Residential, commercial, and institutional wastewater discharge permits. All new non-industrial users which generate only domestic wastewater shall make application to the city for written authorization to connect a building sewer and discharge wastewater to the POTW system. Applications shall be required from all new non-industrial users, as well as for any existing non-industrial user desiring additional service. Discharge of domestic wastewater to the POTW shall not be made until the application is received and approved by the control authority, the building sewer is installed in accordance with § 18-302 of this chapter, and an inspection has been performed by the control authority or his representative.

The receipt by the control authority of a prospective user's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practices, the permit and inspection fee will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(3) Industrial wastewater discharge permits. (a) General. All new industrial users shall submit a permit application as described hereinafter prior to connection of their building sewer to the POTW. The control authority will determine from information supplied in this application, and any other information requested, if the industrial user is a significant industrial user. If the industrial user is determined not to be a significant industrial user, the permit for connection of a building sewer shall be processed in accordance with § 18-304(2) of this chapter.

All significant industrial users shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW.

(b) Certification. All applications, reports, etc., submitted by an industrial user must include the certification that is found at 40 CFR 403.6(a)(2)(ii) and must be signed by an authorized representative of the industrial user pursuant to 40 CFR 403.12(l).

(c) Permit application. Industrial users shall complete and file with the control authority an application in the form prescribed by the city at least ninety (90) days prior to connecting to or contributing to the



POTW. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(i) Name, address, and location, (if different from the address);

(ii) SIC number according to the *Standard Industrial Classification Manual*, Office of Management and Budget, 1997, as amended;

(iii) Wastewater constituents and characteristics, including, but not limited to, those mentioned in § 18-302 of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 CFR, part 136, as amended;

(iv) Time and duration of discharge;

(v) Average daily and thirty (30) 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 process drain lines and the building sewer 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 local, state, or national pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards; and

(ix) If additional pretreatment and/or O&M will be required to meet the local, state, or national pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable local, state, or national pretreatment standard.

The following conditions shall apply to this schedule.

(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 industrial user to meet the applicable local, state, or national pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans,

executing contact for major components, commencing construction, completing construction, etc.)

(B) No increment referred to in subsection (ix)(A) shall exceed nine (9) months.

(C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, as a minimum, whether or not it complied with the increment 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 industrial 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 control authority.

(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 and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

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

The control authority will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(d) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the industrial wastewater discharge permit of significant industrial users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a significant industrial user, subject to a national categorical pretreatment standard, has not previously submitted an application for an industrial wastewater discharge permit as required by § 18-304(3)(c) of this chapter, the significant industrial user shall apply for an industrial wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standards. In addition, any significant industrial user with an existing industrial wastewater discharge permit shall submit to the control authority within one hundred eighty (180) days after the promulgation

of an applicable national categorical pretreatment standard the information required by § 18-304(3)(c)(viii) and (ix).

(e) Permit conditions. Industrial wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, charges, and fees established by the 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 regulation 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 as required in § 18-304(3);

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge;

(ix) Requirements for notification of the control authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

(x) Requirements for notification of excessive discharges such as described in § 18-302(10) of this chapter;

(xi) Requirement to immediately report any noncompliance to the control authority, and to immediately resample for parameter out of compliance in accordance with 40 CFR 403.12(g);

(xii) Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter.

(f) Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The industrial user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements as identified in § 18-302 are modified or other just cause exists. The industrial 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.

(g) Permit transfer. Industrial wastewater discharge permits are issued to a specific industrial user for a specific operation. An industrial wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new industrial user, different premises, or a new or changed operation without the approval of the control authority. Any succeeding owner or industrial user shall also comply with the terms and conditions of the existing permit.

(h) Reporting requirements for permittee. (i) Compliance date report. Within ninety (90) days following the date for final compliance with applicable local, state, or national pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to local, state, or national pretreatment standards shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by local, state, or national pretreatment standards and the average and maximum daily flow for these process units in the industrial user's facility which are limited by such local, state, or national pretreatment standards. The report shall state whether the applicable local, state, or national pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable local, state, or national pretreatment standards. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional engineer.

(ii) Periodic compliance reports. (A) Any industrial user subject to a local, state, or national pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the local, state, or national pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such local, state, or national pretreatment standards. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted. In addition, this report

shall include a record of average and maximum daily flows which during the reporting period exceeded the average daily flow if measurement of wastewater discharge flow is different from water meter readings. The flow on the date of the sampling shall also be reported. All parameter listed on the industrial wastewater discharge permit must be sampled and analyzed. All reports submitted by the industrial user must include the certification required by 40 CFR 403.6(a)(2)(ii) and must bear the signature of an authorized representative of the industrial user pursuant to 40 CFR 403.12(l). All analyses must be performed by a certified laboratory. A chain of custody form must be submitted with all reports.

(B) The control authority may impose mass limitations on industrial users which are using dilution to meet applicable local, state, or national pretreatment standards, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (A) of this subsection shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user. These reports shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable local, state, or national pretreatment standard.

(C) All analyses shall be performed in accordance with procedures established by the administrator pursuant to § 304(g) of the Act and contained in 40 CFR, part 136 and amendments thereto. Sampling shall be performed in accordance with the techniques approved by the control authority, but shall consist of a minimum time proportional composite sample made up of a minimum of four (4) grab samples.

(i) Monitoring facilities. The control authority may require to be provided and operated at the industrial user's own expenses monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. Monitoring facilities should normally be situated on the industrial user's premises, but the control authority may, when such a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user.

Whether constructed on public or private property, sampling and monitoring facilities shall be provided in accordance with the control authority's requirements and all applicable local construction standards and specifications. Where required by the control authority, construction of monitoring facilities shall be completed within ninety (90) days following written notification by the control authority.

(j) Inspection and sampling. The control authority shall inspect the facilities of any industrial user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where industrial wastewater is created or discharged shall allow the control authority or his representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The control authority, approval authority, and U.S. Environmental Protection Agency shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the control authority, approval authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities (40 CFR 403.12).

(k) Pretreatment. Industrial users shall provide necessary pretreatment as required to comply with this chapter and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the national pretreatment regulations. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the control authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an effluent as required under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the control authority prior to the industrial user's initiation of the changes.

(l) Confidential information. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the control authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the industrial user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and/or the state pretreatment program; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the control authority as confidential shall not be transmitted to any governmental agency or to the general public by the control authority until and unless a ten (10) day notification is given to the industrial user. (1994 Code, § 18-304, modified)

**18-305. Enforcement of industrial wastewater discharge permit.**

(1) Administrative enforcement remedies. (a) General. All administrative enforcement actions taken against a significant industrial user, including procedures, orders, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically *Tennessee Code Annotated*, § 69-3-123.

(b) Notification of violation. Whenever the control authority finds that any significant industrial user has violated or is violating this chapter, an industrial wastewater discharge permit or order issued hereunder, the control authority may serve upon said significant industrial user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required action, shall be submitted to the control authority. Submission of this plan in no way relieves the significant industrial user of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the significant industrial user responsible for the noncompliance within a time period also specified by

the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to § 18-305(1)(e).

(d) Show cause hearing. The control authority may order any significant industrial user which causes or contributes to violation of this chapter, industrial wastewater discharge permit, or order issued hereunder, to show cause before the city why a proposed enforcement action should not be taken. Hearings shall be conducted in accordance with the provisions of *Tennessee Code Annotated*, 69-3-124. Notice shall be served on the significant industrial user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the significant industrial user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the significant industrial user. Whether or not a duly notified significant industrial user appears as noticed, immediate enforcement action may be pursued.

(e) Compliance order. When the control authority finds that a significant industrial user has violated or continues to violate this chapter, an industrial wastewater discharge permit or order issued hereunder, the city may issue an order to the significant industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices. A compliance order may also contain a fine for noncompliance with the ordinance or an industrial wastewater discharge permit.

(f) Cease and desist orders. When the control authority finds that a significant industrial user has violated or continues to violate this chapter, any industrial wastewater discharge permit or order issued hereunder, the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith; and
- (ii) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(g) Civil penalties. Notwithstanding any other section of this chapter, any significant industrial user who is found to have violated any provision of this chapter, industrial wastewater discharge permit, and/or orders issued hereunder, may be fined an amount not to exceed fifty



dollars (\$50.00) per violation in accordance with the provisions of *Tennessee Code Annotated*, §§ 69-3-125, 126, 128, and 129 and 40 CFR 403.8(f)(1)(vi)(A). Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the significant industrial user's next scheduled sewer service charge and the city shall have such other collection remedies as are available to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual significant industrial user's property. Significant industrial users desiring to dispute such fines must file a request for the city to reconsider the fine within thirty (30) days of being notified of the fine. Where the city believes a request has merit, the city shall convene a hearing on the matter within fifteen (15) days of receiving the request from the significant industrial user and a hearing will be held before the mayor and council in accordance with the provisions of *Tennessee Code Annotated*, § 69-3-124.

(h) Emergency suspensions. (i) The city may suspend the wastewater treatment service and/or wastewater discharge permit of a significant industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(ii) Any significant industrial user notified of a suspension of wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a significant industrial user's failure to immediately comply voluntarily with the suspension order, the control authority shall take such steps as deemed necessary, including immediate severance of the building sewer connection to the POTW, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city shall allow the significant industrial user to recommence its discharge when the endangerment has passed unless the termination proceedings set forth in § 18-305(1)(i) are initiated against the significant industrial user.

(iii) A significant industrial user who is responsible, in whole or in part, for imminent endangerment shall submit to the control authority a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence within five (5) days after notification of suspension of service.

(i) Termination of permit. Any significant industrial user who violates the following conditions of this chapter or an industrial

wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

- (i) Violation of permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (iv) Refusal of reasonable access to the significant industrial user's premises for the purpose of inspection, monitoring, or sampling.

Noncompliant significant industrial users will be notified of the proposed termination of their industrial wastewater discharge permit and be offered an opportunity to show cause under § 18-305(1)(d) of this chapter why the proposed action should not be taken.

(2) Judicial remedies. (a) General. If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or industrial wastewater discharge permit issued hereunder, the city, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Obion County. Any judicial proceedings and relief shall be in accordance with the provisions of *Tennessee Code Annotated*, § 69-3-127.

(b) Injunctive relief. Whenever a significant industrial user has violated or continues to violate the provisions of this chapter or an industrial wastewater discharge permit or order issued hereunder, the city, through the city attorney, may petition the court for the issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the significant industrial user.

(3) Affirmative defenses. (a) Treatment upsets.

(i) Any significant industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the control authority thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the significant industrial user within five (5) days. The report shall contain:

(A) A description of the upset, its cause(s), and impact on the discharger's compliance status;

(B) The duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance

is continuing, the time by which compliance is reasonably expected to be restored; and

(C) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

(ii) A significant industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the city for any noncompliance with this chapter, or an order or industrial wastewater discharge permit issued hereunder to the significant industrial user, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment by-passes. (i) A by-pass of the treatment system is prohibited unless all of the following conditions are met:

(A) The by-pass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There was no feasible alternative to the by-pass, including the use of auxiliary treatment or retention of the wastewater; and

(C) The significant industrial user properly notified the control authority as required by § 18-305(3)(b)(2).

(ii) A significant industrial user must provide immediate notice to the control authority upon discovery of an unanticipated by-pass. The control authority may require the significant industrial user to submit a written report explaining the cause(s), nature, and duration of the by-pass, and the steps being taken to prevent its recurrence.

(iii) A significant industrial user may allow a by-pass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the pretreatment system. Significant industrial users anticipating a by-pass must submit notice to the control authority at least ten (10) days in advance. The control authority may only approve the anticipated by-pass if the circumstances satisfy the requirements set forth in § 18-305(3)(b)(1).

(4) Public notice of violations of industrial wastewater discharge permits. The control authority shall publish, at least annually, in the largest daily newspaper published in the municipality in which the POTW is located, a list of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in

significant noncompliance if its violation meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference, or pass-through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report non-compliance; and

(h) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program. (1994 Code, § 18-305, modified)

## CHAPTER 4

### CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-401. Purpose and policy.
- 18-402. Objectives.
- 18-403. Definitions.
- 18-404. Compliance with *Tennessee Code Annotated*
- 18-405. Regulated.
- 18-406. Permit required.
- 18-407. Inspections.
- 18-408. Correction of violations.
- 18-409. Required devices.
- 18-410. Nonpotable supplies.
- 18-411. Statement required.
- 18-412. Fees.
- 18-413. Applicability.
- 18-414. Violations and penalty.

**18-401. Purpose and policy.** This chapter sets forth uniform requirements for the protection of the public water system for the City of South Fulton, Tennessee from possible contamination, and enable the city to comply with all applicable local, state, and federal laws, regulations, standards, or-requirements, including the Safe Drinking Water Act of 1974 (42 United States Code 300f *et seq.*, Public Law 93-523) and the *Rules and Regulations for Public Water Systems and Drinking Water Quality* issued by the Tennessee Department of Environment and Conservation, Division of Water Supply. (Ord. #2000-1, March 2000)

**18-402. Objectives.** The objectives of this chapter are to:

- (1) To protect the public potable water system of the city of South Fulton, Tennessee from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or backsiphon into the public water system;
- (2) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-house potable water system and

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

nonpotable water systems, plumbing fixtures, and industrial piping systems; and

(3) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (Ord. #2000-1, March 2000)

**18-403. Definitions.** The following words, terms, and phrases shall have the meanings ascribed to them, in this section, when used in the interpretation and enforcement of this chapter.

(1) "Air-gap." A vertical physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

(2) "Atmospheric vacuum breaker." A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in the water system.

(3) "Auxiliary intake." Any water supply on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed, or recycled waters; or industrial fluids.

(4) "Backflow." The undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross-connection.

(5) "Backpressure." Any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam, and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage." The flow of water or other liquids, mixtures, or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "By-pass." Any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross-connection." Any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. By-pass arrangements, jumper connections,

removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross-connections.

(9) "Director of public works." The director of public works for the City of South Fulton or his duly authorized deputy, agent, or representative.

(10) "Double check valve assembly." An assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(11) "Double check detector assembly." An assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(12) "Fire protection systems." Shall be classified in six (6) different classes in accordance with the American Waterworks Association fourth edition publication, *M14 Backflow Prevention and Cross-Connection Control: Recommended Practices*. The six (6) classes are as follows:

(a) Class 1 shall be those with direct connections from public water mains only; no pumps, tanks, or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells, or other safe outlets.

(b) Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

(c) Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

(d) Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

(e) Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

(f) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(13) "Inter-connection." Any system of piping or other arrangements 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 system.

(14) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(15) "Potable water." Water which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(16) "Pressure vacuum breaker." An assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(17) "Public water supply." The South Fulton waterworks system, which furnishes potable water to the city for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(18) "Reduced pressure principle backflow prevention device." An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(19) "Water system." Shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the production, treatment, storage, and distribution of water; and shall include all those facilities of the water system under the complete control of the water department, up to the point where the customer's system begins (i.e., the water meter).

(b) The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying domestic water to points of use. (Ord. #2000-1, March 2000, modified)

**18-404. Compliance with Tennessee Code Annotated.** The director of public works shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The City of South Fulton shall comply with *Tennessee Code Annotated*, §§ 68-13-701 to 68-13-719 as well as the *Rules and*



*Regulations for Public Water Systems and Drinking Water Quality*, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections; and shall establish an effective, ongoing program to control these undesirable water uses. (Ord. #2000-1, March 2000)

**18-405. Regulated.** (1) No water service connection to any premises shall be installed or maintained by the South Fulton Water Department unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the water department if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross-connection to be made, or allow one (1) to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection is at all times under the direction of the director of public works.

(3) If, in the judgment of the director of public works or his designated agent, an approved backflow prevention device is required at the city's water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the director of public works shall compel the installation, testing, and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line.

(5) For new installations, the director of public works or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the South Fulton Water Department shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (Ord. #2000-1, March 2000)

**18-406. Permit required.** (1) New installations. No installation, alteration, testing, or change shall be made of any backflow prevention device

connected to the public water supply for water service, fire protection, or any other purpose without first securing the presence of a designated representative of the director of public works. An installation/maintenance tag shall be installed on the device following new installation, alteration, testing, and shall be removed only by personnel from the South Fulton Water Department at the time of inspection. One (1) copy of the cross-connection control devices test report shall be submitted to the South Fulton Water Department upon completion of the installation and testing.

(2) Existing installations. No alteration, repair, testing, or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection, or any other purpose without first securing the permission of the director of public works or his designated representative. (Ord. #2000-1, March 2000)

**18-407. Inspections.** (1) The director of public works or his designated agent shall inspect 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 shall be based on potential health hazards involved, and shall be established by the director of public works in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation.

(2) Right of entry for inspections. The director of public works or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the South Fulton public water system for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, by-passes or inter-connections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections, and shall be grounds for disconnection of water service. (Ord. #2000-1, March 2000)

**18-408. Correction of violations.** (1) Any person, found to have cross-connections, auxiliary intakes, by-passes, or inter-connections 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 the existing conditions and an appraisal of the time required to complete the work, an appropriate amount of time shall be assigned by the director of public works or his representative, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross-connections, auxiliary intakes, by-passes, or inter-connections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the director of public works shall require that immediate corrective action be taken to

eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and *Tennessee Code Annotated*, § 68-13-711, within the time limits established by the director of public works or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the director of public works shall give the customer notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person. (Ord. #2000-1, March 2000)

**18-409. Required devices.** (1) Where the nature of the use of water supplied to a premises by the South Fulton water system is such that it is deemed:

- (a) Impractical to provide an effective air-gap separation; or
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the director of public works that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (c) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered, or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required; or
- (f) The plumbing from a private well enters the premises served by the public water system; then, under any of the above circumstances, the director of public works shall require the use of an approved protective device on the water service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

(2) The protective devices shall be of the type approved by the Tennessee Department of Environment and Conservation and the director of public works as to manufacture, model, size, and application. The method of installation of backflow prevention devices shall be approved by the director of public works prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all commercial and educational buildings, construction sites, all industrial,

institutional and medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools, and on all fire hydrant connections other than those used by the fire department in combating fires.

(a) Class 1, Class 2, and Class 3 fire protection systems shall generally require a double check valve assembly; except:

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems; or

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5, and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(4) The director of public works or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(5) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies, or other backflow prevention devices requiring regular inspection or testing shall include the following.

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person certified by the Tennessee Department of Environment and Conservation, Division of Drinking Water Supply, or its successor. Certification shall be for completion of special training and demonstration of competency in the installation, maintenance, and testing of backflow prevention devices. Evidence of current certification shall be required at the time of installation. Only licensed sprinkler contractors may install, repair, or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions, and shall possess appropriate test cocks, fittings, and caps required for the testing of the device. All fittings shall be of brass construction, unless otherwise approved by the director of

public works, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive, sticky, greasy, abrasive, or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either:

(i) The floor;

(ii) The top of opening(s) in the enclosure; or

(iii) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in nonremovable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted, or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault.

(l) All devices shall be adequately supported to prevent sagging.

(m) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(n) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/backsiphonage through the drain may occur.

(o) Enclosures for outside installations shall be of the type commonly used in such installations.

(p) Where the use of water is critical to the continuance of normal operations or the protection of life, property, or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective

device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the director of public works shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the director of public works may require the installation of a duplicate device.

(q) The director of public works shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel, possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply, acceptable to the director of public works. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, by-passing, or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be 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 director of public works.

(6) Testing of devices. Devices shall be tested at least annually by a qualified person possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply, for the testing of such devices. A copy of this certification shall be on file with the director of public works for any person installing, repairing, or testing backflow prevention devices. Any person installing, repairing or testing backflow prevention devices shall also maintain on file with the director of public works a current copy of a valid certificate of liability insurance in an amount of not less than one hundred thousand dollars (\$100,000.00). Records of all installations, repairs, and testing shall be submitted to the cross-connection program administrator upon completion. Personnel of the South Fulton Water Department shall have the right to inspect and/or test a device whenever deemed necessary by the director of public works. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. All testing and inspection services are to be at the expense of the owner or occupant of the premises.  
(Ord. #2000-1, March 2000)

**18-410. Nonpotable supplies.** The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet within city limits which could be used for potable or domestic purposes and which is not supplied by the city's potable water system must be labeled in a conspicuous manner such as:

## WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color coding of pipelines, in accordance with Occupational Safety and Health Act guidelines, shall be required in locations where, in the judgment of the director of public works, such coding is necessary to identify and protect the potable water supply. (Ord. #2000-1, March 2000)

**18-411. Statement required.** (1) Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the director of public works a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall contain an agreement that no cross-connections, auxiliary intakes, by-passes, or inter-connections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises.

(2) The provisions of this section shall not apply to any person or property served by the South Fulton Water Department solely on account of said person or said property having a ground-source water heat pump which is not connected to the water supply of the City of South Fulton in any way. (Ord. #2000-1, March 2000)

**18-412. Fees.** A fee shall be assessed for all backflow prevention devices requiring inspection or testing. The amount of this fee shall be set and adjusted by the city commission based on the recommendations of the director of public works to reflect the cost of providing an effective cross-connection control program. The fee shall be assessed each time a device is installed, tested, or inspected. Where repeated inspections are required to correct violations or deficiencies, the fee shall be assessed each time the inspection is repeated. The fees assessed shall be as follows:

- (1) Installation/inspection fee: fifty dollars (\$50.00); and
- (2) Repair/maintenance/testing permit: fifty dollars (\$50.00). (Ord. #2000-1, March 2000)

**18-413. Applicability.** The requirements contained in this chapter shall apply to all premises served by the South Fulton public water system, whether located inside or outside the corporate limits, and are hereby made part of the conditions required to be met for the South Fulton Water Department to provide water services to any premises. The provisions of this chapter shall be rigidly

enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the director of public works may bring such complaint to the attention of the City Commission for the City of South Fulton for possible redress. (Ord. #2000-1, March 2000)

**18-414. Violations and penalty.** (1) Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a violation of this chapter and shall be subject to punishment in accordance with city ordinances. Each day of a continued violation may be alleged as a separate offense.

(2) Independent of, and in addition to, any fines or penalties imposed, the director of public works may discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection; and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been eliminated. (Ord. #2000-1, March 2000)



## CHAPTER 5

### CONSTRUCTION OF PRIVATELY OWNED WELLS AND SPRINGS<sup>1</sup>

#### SECTION

- 18-501. Use of municipal water required.
- 18-502. Use of wells or springs prohibited.
- 18-503. Digging of new wells prohibited.
- 18-504. Inspection of springs and wells.
- 18-505. Condemnation and abatement of unsanitary springs or wells.
- 18-506. Failure to abate nuisance.
- 18-507. City abatement of nuisance.
- 18-508. Offensive or dangerous pools or ponds.
- 18-509. Wellhead protection.

**18-501. Use of municipal water required.** Every dwelling, house, apartment, and commercial or industrial structure located within the City of South Fulton must be supplied with municipal water service, provided there is a municipal water main in the front, rear, or on either side of such premises. (Ord. #2008-01, May 2008)

**18-502. Use of wells or springs prohibited.** It shall be unlawful for any person located on any premises where there is provided a water main in the front, rear, or on either side of such premises to use water from wells or springs if such premises are open to the general public, or if the general public is invited upon such premises. (Ord. #2008-01, May 2008)

**18-503. Digging of new wells prohibited.** It shall hereafter be unlawful for any person to dig a well upon any premises within the City of South Fulton without obtaining a permit from the City of South Fulton, following an inspection of the proposed construction. (Ord. #2008-01, May 2008)

**18-504. Inspection of springs and wells.** The South Fulton City Commission is hereby authorized and directed to have the Tennessee Department of Health and/or the Tennessee Department of Environment and Conservation (TDEC) inspect and examine all springs and wells which they have reason to believe are polluted, unhealthy, unsanitary, and carrying in their

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

waters the germs of infectious and contagious diseases, and also to make or have made an analysis of the water thereof for the purpose of ascertaining their sanitary condition. (Ord. #2008-01, May 2008)

**18-505. Condemnation and abatement of unsanitary springs or wells.** If, as a result of such examination, inspection, and analysis, provided for in § 18-504 of this chapter, the commission or the Tennessee Department of Health or the Tennessee Department of Environment and Conservation (TDEC) ascertains that any spring or well is unsanitary, unhealthy, or infected with the germs of contagious and infectious diseases, the commission shall at once condemn such spring or well as a public nuisance, and shall post a notice on or near thereto stating that such source of water supply has been condemned as unsanitary and dangerous to health, and shall at once serve written notice upon the owner of such well or spring, if he be a resident of the City of South Fulton, to abate such nuisance within ten (10) days by permanently closing such well or spring and so abating it as to render the taking of water wherefrom impossible. If the owner resides outside the city, the city manager shall give him such notice in writing as above provided by registered mail. Should the owner thereof be unknown, and his identity cannot be established by diligent inquiry, a suitable notice shall be published in a newspaper having general circulation in the city, requiring the unknown owner of such spring or well to close and obstruct such spring or well and abate such spring or well within ten (10) days from the date of publication of such notice. (Ord. #2008-01, May 2008)

**18-506. Failure to abate nuisance.** Any owner of a spring or well who fails to comply with an abatement notice as provided herein, within ten (10) days from the receipt thereof, by closing and obstructing such spring or well and abating such nuisance to the public health shall be subject to a fine in the South Fulton Municipal Court of fifty dollars (\$50.00) for each day such nuisance continues to exist. Additionally, the City of South Fulton may seek civil remedies for any damages to the public water supply that are caused by said nuisance. (Ord. #2008-01, May 2008)

**18-507. City abatement of nuisance.** If any owner of a spring or well shall fail to close and obstruct such well or spring and abate such nuisance after the expiration of ten (10) days from the receipt of such aforesaid notice, or the making of said publication for an unknown owner, it shall then be the duty of the City of South Fulton Public Works Department in conjunction with the chief of police, upon the request of the city manager, to abate, obstruct, and close up such well or spring so as to prevent persons from obtaining and using water wherefrom, and the costs and expenses of such closing shall be chargeable to the owner of such well or spring and shall be payable to the City of South Fulton on demand. (Ord. #2008-01, May 2008)

**18-508. Offensive or dangerous pools or ponds.** Every pool, pond, or other place within the limits of the city which shall be offensive or dangerous to health is hereby declared to be a public nuisance and may be abated at the cost of property owner unless renovated, cleaned, or purified within three (3) days of notification by the commission. (Ord. #2008-01, May 2008)

**18-509. Wellhead protection.** The City of South Fulton hereby adopts TDEC rule No. 1200-5-1-.34 (attached to Ord. #2008-01 and available in the office of the city recorder as "Exhibit A") as its official wellhead protection policy. (Ord. #2008-01, May 2008)

**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

1. ELECTRICITY.
2. GAS.

**CHAPTER 1**

**ELECTRICITY<sup>1</sup>**

**SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Electricity shall be furnished for the municipality and its inhabitants under such franchise as the board of commissioners shall grant.<sup>2</sup> The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1994 Code, § 19-101)

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<sup>1</sup>Municipal code reference  
Electrical code: title 12.

<sup>2</sup>The agreements are of record in the office of the city recorder.

## CHAPTER 2

### GAS

#### SECTION

- 19-201. To be supplied by the city.
- 19-202. Rate schedule.
- 19-203. Billing.
- 19-204. Meter connections.
- 19-205. Service outside the corporate limits.
- 19-206. Lighting or extinguishing pilots.

**19-201. To be supplied by the city.** Gas shall be supplied to the consumers of the City of South Fulton through a metered service of the city-owned and operated natural gas system. (1994 Code, § 19-201)

**19-202. Rate schedule.**<sup>1</sup> All consumers shall be charged in accordance with a rate schedule adopted from time to time by resolution of the board of commissioners. (1994 Code, § 19-202)

**19-203. Billing.** All gas bills shall be due and payable at the recorder's office on the first day (1st) of the month for the preceding month. All bills shall be net, and if not paid on or before the fifth (5th) of the month for rural service and the twelfth (12th) of the month for city service of the month following the month for which gas service has been rendered, a ten percent (10%) additional charge shall be added to each month's gas bill. Any consumer whose gas bill remains unpaid on the twelfth (12th) of the month for rural service and the nineteenth (19th) of the month for city service following the month for which gas service has been rendered shall have the gas cut off pursuant to the procedure outlined in § 18-111 of this code and if gas is cutoff on account of bill nonpayment, a charge of fifty dollars(\$50.00) will be added to the account. (Ord. #2023-02, Sept. 2023)

**19-204. Meter connections.** The city reserves the right to locate the gas meter at the closest point from the gas main to the customer's building unless this point falls on the front of the building, in which case the meter may be set ten feet (10') back from the front of the building. Any customer who desires to have the meter set further back than ten feet (10') may have this done by paying the city the contract price for the number of linear feet of pipe used in extending the line to the desired meter location. No meters will be relocated after the contractor has made the installation.

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<sup>1</sup>Administrative ordinances are of record in the office of the city recorder.

No meter connection will be installed until the customer has paid the required meter deposit, tap fee, and connection fee. Meter deposits for residences and small commercial establishments will be one hundred dollars (\$100.00) for homeowners and two hundred dollars (\$200.00) for renters. (Ord. #2023-02, Sept. 2023)

**19-205. Service outside the corporate limits.** Those persons outside the corporate limits who desire a gas service connection will be required to pay the regular meter deposit charge and monthly minimum as provided in §§ 19-202 and 19-204. In addition, those customers will be required to pay the entire contract cost of installing the service connection, complete with meter, at any distance beyond seventy-five feet (75') on the main gas line and may be required to pay an additional fifty cents (\$0.50) per month for meter reading charge. (1994 Code, § 19-205)

**19-206. Lighting or extinguishing pilots.** (1) Accessibility. City employees shall only light pilot lights that are accessible from above the furnace. In no case shall city employees light pilots located in confined areas, such as basements with only one (1) door (exit) or underneath any structure (house, mobile home, business, etc.)

(2) Free lighting periods. The city commission designates the period from September 15 through October 31 for one (1) free lighting. During calendar year 1997, the city manager shall be allowed to make a case-by-case exception to extend the free lighting period.

(3) Pilot lights extinguished after free visit period. Furnace pilot lights that were working on the first attempt but became extinguished must be checked by a private service person. The customer must initiate this service call so that the furnace can be cleaned, safety checked, and re-lit.

(4) Disturbance occurring in system. Pilot lights extinguishing caused by the city or damage to gas lines will be re-lighted by city employees. NOTE: This does not include services disconnected by a customer's failure to pay charges due.

(5) New service or permanent service disconnect. Tap fees remain for new customers and there will be no charge for permanent disconnect.

(6) Disclaimer of liability of city. The City of South Fulton, Tennessee, is not responsible for the operational condition, nor safety of any equipment owned by customers. In no case shall any city employee recommend a private service person, nor shall they provide such service themselves. City employees may light their own personal furnaces/heaters only.

(7) Units that need cleaning. Any gas units which are discovered by city employees to be in need of cleaning will not have the pilot light lit. The customer will be responsible to have the gas unit serviced and the city will then send an employee to light the pilot light at the request of the customer, even if this occurs after the free lighting period. (Ord. #97-11, Dec. 1997)

## TITLE 20

### MISCELLANEOUS

#### CHAPTER

1. DEPARTMENT OF PUBLIC SAFETY.
2. CONTROL AND USE OF POWER EQUIPMENT ON PRIVATE AND PUBLIC PROPERTY.
3. TELEPHONE AND TELEGRAPH SYSTEM.

#### CHAPTER 1

### DEPARTMENT OF PUBLIC SAFETY<sup>1</sup>

#### SECTION

- 20-101. Powers, duties, and responsibilities of the department of public safety.
- 20-102. Appointment of the safety director, chief of police, and the chief of the fire department.
- 20-103. Powers, duties, and responsibilities of the chief of police and the chief of the fire department.

**20-101. Powers, duties, and responsibilities of the department of public safety.** The department of public safety shall be responsible for police and fire services for the City of South Fulton, Tennessee, and shall have all of the powers, duties, and responsibilities conferred upon the police and fire services by virtue of the Charter of the City of South Fulton, ordinances of the City of South Fulton, and by law, and shall have such other and additional powers, duties, and responsibilities as may be lawfully imposed upon it by any administrative directive, resolution, rule, ordinance, charter provision, or law. The head of the department of public safety shall be the safety director. (1994 Code, § 20-101)

**20-102. Appointment of the safety director, chief of police, and the chief of the fire department.** The safety director, chief of police, and the chief of the fire department shall be appointed by the Manager of the City of South Fulton, subject to the pertinent provisions of the laws of the City of South

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<sup>1</sup>Charter references

Establishment and supervision of safety department: title 6, chapter 21, part 3.

Supervision and control of fire department: title 6, chapter 21, part 7.

Supervision and control of police department: title 6, chapter 21, part 6.

Fulton, and their terms of employment shall be limited as provided by the laws of the City of South Fulton. (1994 Code, § 20-102)

**20-103. Powers, duties, and responsibilities of the chief of police and the chief of the fire department.** The chief of police and the chief of the fire department shall have such powers, duties, and responsibilities as shall from time to time be lawfully conferred upon them by the Manager of the City of South Fulton, the Board of Commissioners of the City of South Fulton, the safety director and by law generally. (1994 Code, § 20-103)



## CHAPTER 2

### CONTROL AND USE OF POWER EQUIPMENT ON PRIVATE AND PUBLIC PROPERTY<sup>1</sup>

#### SECTION

20-201. Permit required for excavation.

20-202. Applications.

20-203. Fee.

20-204. Manner of excavating; barricades and lights; temporary sidewalks.

20-205. Time limits.

**20-201. Permit required for excavation.** It shall be unlawful for any person, firm, corporation, association, or others to use power shovels, cranes, jack-hammers, bulldozers, backhoe, or other power equipment when excavating on private and public property without having first obtained a permit as herein required and without also agreeing to comply with §§ 16-201 through 16-210 of the City Code of South Fulton, Tennessee when applicable. (1994 Code, § 20-201)

**20-202. Applications.** Applications for such permits shall be made to the city manager or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such applications shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1994 Code, § 20-202)

**20-203. Fee.** The fee for such excavation permits shall be twenty-five dollars (\$25.00). (1994 Code, § 20-203, modified)

**20-204. 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

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<sup>1</sup>Municipal reference

Excavations in public streets: title 16, chapter 2.

any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1994 Code, § 20-204)

**20-205. 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 unto the refill is made ready for the pavement to be put on. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city manager. (1994 Code, § 20-205)

**CHAPTER 3****TELEPHONE AND TELEGRAPH SYSTEM****SECTION**

20-301. To be furnished under contract.

**20-301. To be furnished under contract.**<sup>1</sup> A telephone and telegraph system shall be furnished for the city and its inhabitants under such contract as the governing body will execute. The rights, powers, duties, and obligations of the city, its inhabitants, and other contracting parties, shall be clearly stated in the written agreement which shall be binding on all parties concerned. (1994 Code, § 20-301)

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<sup>1</sup>The agreements are of record in the office of the city recorder.

ORDINANCE NO. 2024-5

**AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENTAL AND REPLACEMENT PAGES FOR THE MUNICIPAL CODE OF THE CITY OF SOUTH FULTON, TENNESSEE.**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SOUTH FULTON, TENNESSEE, THAT:

**Section 1. Ordinances codified.** The supplemental and replacement pages contained herein to the City of South Fulton Municipal Code, hereinafter referred to as the "supplement," are incorporated by reference as if fully set out herein and are ordained and adopted as part of the City of South Fulton Municipal Code.

This supplement includes revisions to the municipal code required when considering ordinances 2022-01 through 2024-03 and additional revisions made to title 8 (Alcoholic Beverages) by the City of South Fulton and the MTAS codes attorney. Code sections affected by these ordinances and revisions contain citations to the amending ordinance or modification at the end of the code section.

**Section 2. Continuation of existing provisions.** Insofar as the provisions of the supplement are the same as those of ordinances existing and in force on its effective date, the provisions shall be considered to be continuations thereof and not as new enactments.

**Section 3. Penalty clause.** Unless otherwise specified 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 fifty dollars (\$50.00) 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."

Each day any violation of the municipal code continues shall constitute a separate civil offense.<sup>1</sup>

**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 commissioners, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

**Section 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

**Section 9. Code available for public use.** A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by installments, see *Tennessee Code Annotated*, § 40-24-101 *et seq.*

**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, September 9, 2024.

Passed 2nd reading, September 26, 2024.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ORDINANCE NO. 2022-07

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF SOUTH FULTON, TENNESSEE.**

WHEREAS some of the ordinances of the City of South Fulton are obsolete, and

WHEREAS some of the other ordinances of the City are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Commissioners of the City of South Fulton, 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 Fulton Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF SOUTH FULTON, AS FOLLOWS:<sup>1</sup>

**Section 1. Ordinances codified.** The ordinances of the City of South Fulton 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 Fulton Municipal Code," hereinafter referred to as the "Municipal Code."

**Section 2. Ordinances repealed.** All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

**Section 3. Ordinances saved from repeal.** The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or

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<sup>1</sup>Charter reference

Tennessee Code Annotated, § 6-20-214.

providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

**Section 4. Continuation of existing provisions.** Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) 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."

Each day any violation of the municipal code continues shall constitute a separate civil offense.<sup>1</sup>

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by  
(continued...)



**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 commissioners, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

**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.

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(...continued)

installments, see Tennessee Code Annotated, § 40-24-101 et seq.

**Section 10. Date of effect.** This ordinance shall take effect no sooner than fifteen (15) days after first passage thereof, provided that it is read two (2) different days in open session before its adoption, and not less than one week elapses between first and second readings, the welfare of the town 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 12/5, 2022.

Passed 2nd reading 12/15, 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder