

**THE  
SWEETWATER  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

March 2004

*Change 8  
August 5, 2024*

**CITY OF SWEETWATER, TENNESSEE**

**MAYOR**

Doyle F. Lowe

**VICE MAYOR**

Sam Moser

**COMMISSIONERS**

Lamar Hughes

Johanna Jinks

Alan Richeson

James A. Stutts

**RECORDER**

Sonya Crush

**CITY ATTORNEY**

John Cleveland

## PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Linda Dean, the MTAS Sr. Word Processing Specialist who did all

the typing on this project, and Dianna Habib, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini  
Codification Consultant

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

**ARTICLE V**

Section 4. Ordinance adoption--resolutions. Ordinances shall be passed in the following manner. Every proposed ordinance shall be in writing, with copies furnished in advance to the mayor and each commissioner. After adoption of a Code of Ordinances, each ordinance of a general and permanent nature shall be adopted as amending or adding a section or subsection of the Code. Each ordinance amending an existing ordinance, or section or subsection of the Code, shall state the section or subsection of the ordinance or Code as amended in its entirety. Each ordinance shall be passed on two separate days at regular, adjourned or special meetings. However, at least fourteen (14) days shall have lapsed between the first and final passage of any ordinance. At the first meeting a brief summary shall be given of the proposed ordinance, and the meeting shall be open for questions and discussion of it. A reasonable number of written copies of ordinances shall be available to the public at the meetings and at city hall before the second and final passage by the board. Ordinances, resolutions and other measures of the board shall be passed by an affirmative vote of a majority of the board present and voting. Abstentions shall be counted neither as a yes nor a no vote. The record of how each commissioner or the mayor voted shall be spread on the minutes. A summary of the material provisions of the ordinance and a notice that the ordinance is on file in the recorder's office for anyone wishing to see it shall be published in a newspaper circulating in the city. The effective date of the ordinance may be at any time within ninety days of its final passage, but in no case shall it be effective until such summary and notice are published. After passage, each ordinance shall be authenticated by the mayor and recorder, or in their absence by two commissioners, and placed in an ordinance book. It shall not be necessary to copy the ordinance in the minutes, but reference to it shall be made in the minutes. A separate binder may also be provided for resolutions in which event they shall be authenticated as are ordinances, and their inclusion in the minutes dispensed within the same manner as ordinances.

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## TITLE 1

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

#### CHAPTER

1. IN GENERAL.
2. MAYOR AND BOARD OF COMMISSIONERS.
3. MAYOR.
4. GENERAL ADMINISTRATION.
5. CITY ATTORNEY.
6. CODE OF ETHICS.

#### CHAPTER 1

#### IN GENERAL

#### SECTION

- 1-101. Administrative departments.
- 1-102. Each department to be under a commissioner or board.
- 1-103. Commissioners' power of suspension.

**1-101. Administrative departments.**<sup>2</sup> For administrative purposes only, the city shall have the following departments:

- (1) Police;
- (2) Fire;
- (3) Parks and recreation (includes building maintenance);
- (4) Streets (includes animal control and storm water control);
- (5) Planning and development (includes codes enforcement and tourism);
- (6) General administration. (Ord. #760, Aug. 2003, as replaced by Ord. #789, June 2006, and amended by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

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<sup>1</sup>Charter reference

Administration of schools: art. VII, C.

Municipal code reference

Plumbing inspectors: title 12, chapter 2.

Electrical inspectors: title 12, § 12-304.

Organization of fire department: title 7, chapter 3.

Administration of utilities: title 2, chapter 2.

<sup>2</sup>Charter reference

Administrative organization of the city: art. VII, § 1.

**1-102. Each department to be under a commissioner or board.**

Except where the charter or board has delegated the control and operation of a department to a special board,<sup>1</sup> each department of the city government shall be under the direct supervision of a commissioner who shall be designated by the board as the commissioner of such department or departments; however, the general administration department, under the supervision of the city administrator shall not be under the direct supervision of any one commissioner; rather, the city administrator shall answer to the board of commissioners as a whole. (1982 Code, § 1-102, as amended by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

**1-103. Commissioners' power of suspension.**

Any commissioner designated by the board as the commissioner of a city department or departments may suspend any appointed city officer or employee of said department or departments who is found to be, or is reasonably suspected of being, derelict in the performance of his duties or guilty of such misconduct as will likely reflect discredit upon the city. The commissioner shall report any such suspension to the board at its next regular meeting for appropriate action. (1982 Code, § 1-103)

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<sup>1</sup>Charter reference

Administration of schools: art. VII, C.

## CHAPTER 2

### MAYOR AND BOARD OF COMMISSIONERS<sup>1</sup>

#### SECTION

- 1-201. Time and place of regular meetings.
- 1-202. Order of business.
- 1-203. General rules of order.
- 1-204. Order of debate and public comment.
- 1-205. Compensation.

**1-201. Time and place of regular meetings.** The mayor and board of commissioners shall hold regular monthly meetings at 5:00 P.M. on the first Monday of each month at the city hall, as provided in art. V., § 2 of the charter. (1982 Code, § 1-201, as amended by Ord. #907, Nov. 2013)

**1-202. Order of business.** (1) Regular meetings. At each meeting of the mayor and board of commissioners, the following regular order of business shall be observed unless dispensed with a majority vote of the members present:

- (a) Call to order by the mayor;
- (b) Invocation;
- (c) Roll call by the recorder;
- (d) Approval or correction of minutes of the previous meeting;
- (e) Public comment;
- (f) Old business;
- (g) New business;
- (h) Adjournment;

(2) Workshops. At each regularly-scheduled meeting of the mayor and board of commissioners, not required by municipal code §1-201 ("workshop"), the following order of business shall be observed unless dispensed with a majority of the members present:

- (a) Call to order by the mayor;
- (b) Visitors;
- (c) Public comment;
- (d) Workshop discussion;
- (e) Agenda review; and
- (f) Adjournment

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<sup>1</sup>Charter references

Elections: art. III.

Mayor and board of commissioners: art. IV.

Legislative powers and procedure: art. V.

(3) Called meetings. At each called meeting of the mayor and board of commissioners, the following order of business shall be observed unless dispensed with a majority of the members present:

- (a) Call to order by the mayor;
- (b) Public comment;
- (c) Business for which the meeting is called and public notice has been published; and
- (d) Adjournment. (1982 Code, § 1-202, modified, as amended by Ord. #768, May 2004, and replaced by Ord. #970, Jan. 2019 *Ch7\_02-07-22*, and Ord. #1028, Dec. 2023 *Ch8\_08-05-24*)

**1-203. General rules of order.** The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the mayor and 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. (1982 Code, § 1-203)

**1-204. Order of debate and public comment.** (1) Any proposed ordinance or resolution properly on the agenda of the board of commissioners ("board") may be considered and debated by the commissioners, with or without a motion on the floor regarding such proposed ordinance or resolution. Upon consideration of any proposed ordinance or resolution of the board, the first person to be recognized by the mayor shall be one of its sponsors. The second shall be the chairman or one (1) spokesman of the same committee to which the matter has been referred, if any. A commissioner shall speak no more than once on the same subject until all commissioners have had the opportunity to speak on it. The mayor, his authorized representative or any director shall have the privilege of the floor for the purpose of discussing matters under consideration by the council.

(2) Any resident of the City of Sweetwater may address the board about any actionable agenda item when the following procedure is observed:

(a) Any resident wishing to speak shall complete an Application to Comment on Actionable Agenda Item(s)<sup>1</sup> at least three (3) hours prior to the meeting. A copy of said form is attached to, and is part of, this ordinance.

(b) Each resident shall be permitted to speak for five (5) minutes and shall not have more than one (1) time to speak, except that the chair may allow two (2) minutes to the proponent for rebuttal. The resident speaker may yield their time to a non-resident member of the public subject to the same rules that govern the resident speaker.

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<sup>1</sup>The Application to Comment on Actionable Agenda Item(s) is available in the recorder's office.

Residents may not aggregate their time to allow a non-resident member of the public, or any association or group they represent, to speak longer than any one resident.

(c) When a number of persons desire to speak to an issue, each side shall be limited to three (3) speakers and a maximum speaking time of fifteen (15) minutes. Persons desiring to speak may request the council to extend the time limit.

(d) The board may extend the number of speakers or the time allowed for speakers by a vote of majority of the council, or set a public hearing on the matter.

(e) All speakers and members of the audience and commissioners shall remember that the meeting is a board meeting. All persons are to show proper respect to each other and shall maintain the proper decorum in the meeting at all times. Persons who fail to observe the rules as to proper decorum shall not be permitted to speak, may be removed from the meeting, and may be cited by the board to city court for violation of this ordinance.

(f) When a public hearing has been once afforded to the proponents and opponents on an issue and there are persons desiring to speak on the subject, the mayor shall ask for the council to state its pleasure on further public debate.

(3) Subsection (2) of this ordinance shall govern all meetings of the Sweetwater Regional Planning Commission, the Library Board, the Tree Board, and all other commissions, boards and committees to which the Tennessee Open Meetings Act applies unless they have adopted their own public comment policy that complies with Tennessee Code Annotated, § 8-44-112. (as added by Ord. #1028, Dec. 2023 *Ch8\_08-05-24*)

**1-205. Compensation.** Each commissioner of the City of Sweetwater shall be paid an annual salary of four thousand eight hundred dollars (\$4,800.00) for his or her service to the city. (as added by Ord. #885, Aug. 2012, and renumbered by Ord. #1028, Dec. 2023 *Ch8\_08-05-24*)



## CHAPTER 3

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

#### SECTION

- 1-301. Generally supervises city affairs.
- 1-302. City contract execution.
- 1-303. May bid in property for the city.
- 1-304. May suspend officers and employees.
- 1-305. Compensation.

**1-301. Generally supervises city affairs.** The mayor shall have general supervision of all affairs of the city and may require such reports from the various city officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1982 Code, § 1-301)

**1-302. City contract execution.** No contracts that obligate the City of Sweetwater shall be executed without the approval of the mayor and board of commissioners. Approved city contracts shall be executed by the mayor when available, by the city administrator when the mayor is unavailable, or, if acceptable to the contracting parties, by the recorder, the commissioner or department head responsible for supervision and performance of such contract if designated in the ordinance, resolution or motion approving such contract. (1982 Code, § 1-302, as replaced by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

**1-303. May bid in property for the city.** When any property which the city is authorized to purchase is being sold for delinquent taxes, the mayor is authorized to bid in the same for the city. (1982 Code, § 1-303)

**1-304. May suspend officers and employees.** The mayor may suspend any appointed officer or employee of the city who is found to be, or is reasonably suspected of being, derelict in the performance of his duties or guilty of such misconduct as will likely reflect discredit upon the city. The mayor shall report any such suspension to the board at its next regular meeting for appropriate action. (1982 Code, § 1-304)

**1-305. Compensation.** The Mayor of the City of Sweetwater shall be paid an annual salary of six thousand dollars (\$6,000.00) for his or her service to the city. (as added by Ord. #885, Aug. 2012)

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<sup>1</sup>Charter reference  
Mayor: art. IV.

## CHAPTER 4

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

#### SECTION

- 1-401. City recorder to be bonded.
- 1-402. City recorder to maintain insurance or bond.
- 1-403. City recorder to keep minutes of board's meetings.
- 1-404. City recorder to keep financial records and make reports.
- 1-405. City administrator.
- 1-406. City administrator duties.
- 1-407. City administrator job description.
- 1-408. City administrator qualifications.
- 1-409. City administrator skills.

**1-401. City recorder to be bonded.** The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the mayor and board of commissioners. (1982 Code, § 1-401, modified, as amended by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

**1-402. City recorder to maintain insurance or bond.** The recorder shall at all times maintain a blanket employee dishonesty crime insurance policy or a blanket honesty bond of such sum as may be fixed by the mayor and board of commissioners. (1982 Code, § 1-402, modified, as amended by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

**1-403. City recorder to keep minutes of board's meetings.** The recorder shall keep a complete minute record of all proceedings at meetings of the mayor and board of commissioners. (1982 Code, §1-403, as amended by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

**1-404. City recorder to keep financial records and make reports.** The recorder shall keep a complete record of all corporate money received and paid out and shall make a summary report from such record to the board at least quarterly and at such other times as the board may request. He shall also prepare and render such other reports as the board may from time to time require. (1982 Code, § 1-404, as amended by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

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<sup>1</sup>An organizational chart illustrating general administration is available in the recorder's office.

**1-405. City administrator.** (1) The city administrator of the City of Sweetwater shall be the head of the general administration department responsible for the supervision of the city recorder, the city clerk, the chief municipal financial officer and special projects. The city administrator shall also serve as the human resource officer as defined in chapter 2, Personnel System, § 4-202(2).

(2) The offices of city recorder and city clerk shall continue as distinct positions, which the mayor and board of commissioners may or may not fill with the city administrator.

(a) The immediate responsibility for the administration of all financial affairs of the city under Article VII, Administrative Organization, Part B, Recorder, Section 1 of the Charter for the City of Sweetwater, Tennessee, shall continue to be the duty of the recorder.

(b) The duty to perform clerical duties under Article VII, Administrative Organization, Part B, Recorder, Section 3 of the Charter for the City of Sweetwater, Tennessee, shall continue to be the responsibility of the recorder until and unless those duties are delegated to a distinct clerk.

(3) Nothing in this ordinance and the ordinances it amends shall be interpreted or construed to be inconsistent with the city charter. (as added by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

**1-406. City administrator duties.** The city administrator shall be responsible for the supervision of all the duties of the recorder and clerk set forth in § 1-401 through § 1-404, and the city administrator shall be responsible for the following additional duties:

(1) (a) Administer the business of the municipality, including execution and management of all contracts, grants, and other business approved by the mayor and board of commissioners, supervising and managing the business of the city as department head for general administration, and managing all purchases, including purchasing policies and procedures.

(b) Consistent with Sweetwater City Charter, Article VII, Part C. Schools, no part of this ordinance shall be deemed to grant the city administrator authority over the Sweetwater City School System, and consistent with Sweetwater City Charter, Article VII, Part E. Electric System, no part of this ordinance shall be deemed to grant the city administrator authority over the Sweetwater Utilities Board.

(c) No part of this ordinance shall replace or remove duties under the authority of any commissioner or department head.

(2) In accordance with the Sweetwater City Charter, Article VI, Section 7, checks on city accounts shall be signed by the city administrator and countersigned by the mayor, but in the absence of the city administrator and/or

mayor, checks may be signed by the general administration employee(s) designated as co-signors on such account.

(3) In accordance with the Sweetwater City Charter, Article VII, Section 3, the board delegates its personnel authority regarding hiring, termination, and negotiation of leave for the purposes of recruiting qualified personnel to a committee comprised of the respective commissioner, department head and city administrator, to make unanimous personnel decisions. For general administration department decisions, the committee shall be comprised of the personnel commissioner and the city administrator. If the committee does not reach a unanimous decision, the committee shall refer said action to the board. The authority to appoint the city administrator, recorder and all department heads is retained by the full board.

(4) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality.

(5) Keep the board fully advised as to the financial conditions and future needs of the city, prevent incurring expenditures and other financial obligations without approval of the mayor and board of commissioners unless funds are available for such expenditures and/or obligations.

(6) Report to the board the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed.

(7) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality.

(8) Enforce personnel ordinances, rules and regulations adopted by the mayor and board of commissioners, and recommend specific personnel positions, as may be required for the needs and operations of the municipality, and propose personnel policies and procedures for approval of the board.

(9) Manage the operations of any properties, personnel, or programming not specifically assigned to any department head other than general administration.

(10) Perform such other duties as may from time to time be designated or required by the board. (as added by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

**1-407. City administrator job description.** In addition to the duties set forth in §§ 1-401 through 1-406, the job of city administrator is described in more detail as follows:

(1) The city administrator is responsible for the daily operation of city government activities and support services under the general supervision of the mayor and board of commissioners. Instructions to the city administrator are general and the city administrator must routinely use independent judgment. The city administrator must consider different courses of action and sometimes deviate from standard operating procedures. The city administrator is responsible for effective and efficient operation of the city government.

The city administrator must be proficient in the operation of a fax machine, copier, landline and mobile phones, other modern office equipment and computers, tablets and smartphones, desktop and mobile business applications and all social media sites maintained by the city.

The city administrator must also operate light duty vehicles. The city administrator's work is generally indoors, but they must be prepared to work outdoors regardless of weather conditions when necessary.

The city administrator may be exposed to tobacco smoke and/or vapors, dust and loud noises.

(2) The city administrator shall:

- (a) Prepare the agenda for governing board meetings.
- (b) Propose an initial draft for the mayor's preparation of an annual budget and a five (5) year capital program for all funds, including estimates recommendations and appropriation ordinances in compliance with the state requirements for formatting and content, for the mayor to submit to the board or its consideration in compliance with the Sweetwater City Charter, Article VI, Finance, Section 1. Fiscal Year-Budget Preparation.
- (c) Be responsible for the daily and efficient operation of the city.
- (d) Be responsible for maintaining property and liability insurance.
- (e) Coordinate all administrative activities of each department.
- (f) Prepare an orientation program for elected officials and employees.
- (g) Consult and cooperate with the committees of the board in the administration of the city's affairs.
- (h) Collaborate with a variety of groups and agencies, both public and private, in development of the city's economic base.
- (i) Serve as liaison with county, state, federal governments and other agencies.
- (j) Stay abreast of grant opportunities for cooperation with other groups in order to achieve common goals.
- (k) Shall be knowledgeable regarding current and pending legislation and its effect on city operations.
- (l) Communicate regularly with the management of component units of the city such as the director of schools, public library director, and utilities manager.
- (m) Make recommendations to the board for improving quality and quantity of services to be rendered by the city administrator to the public. (as added by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

**1-408. City administrator qualifications.** The city administrator shall possess the following qualifications to obtain and maintain employment:

- (1) A valid driver's license in the State of Tennessee;
- (2) A membership certificate in Tennessee City Manager Association, or obtain membership within one (1) year;
- (3) A bachelor's degree from an accredited college or university with a degree in public administration, political science, business administration or a closely related field is required, but a master's degree in public administration, political science, business administration or a closely related field or the MTAS Public Administration Certification and/or State of Tennessee Certified Municipal Finance Officer designation is preferred;
- (4) Five (5) years experience in public administration or three (3) years experience in public administration and a master's degree in public administration is required; and
- (5) A negative drug screen report from a licensed physician. (as added by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

**1-409. City administrator skills.** The city administrator shall demonstrate competency in the following skills:

- (1) Knowledge of budgetary principles.
- (2) Knowledge of purchasing practices as required by law.
- (3) Knowledge of personnel, policies, and procedures.
- (4) Knowledge and comprehension of fund accounts and financial statements.
- (5) Knowledge of general operations of city government activities.
- (6) Knowledge of administrative skills, practices and procedures of public administration.
- (7) Ability to evaluate situations and make decisions.
- (8) Ability to express ideas clearly, concisely and convincingly.
- (9) Ability to establish and maintain an effective working relationship with other department heads.
- (10) Ability to establish and maintain an effective working relationship with the public and city administrators. (as added by Ord. #1042, Aug. 2024 *Ch8\_08-05-24*)

## CHAPTER 5

### CITY ATTORNEY<sup>1</sup>

#### SECTION

- 1-501. To attend board meetings.
- 1-502. To draft and/or review ordinances, etc.
- 1-503. To furnish legal advice and opinions.
- 1-504. To represent the city in the courts, etc.
- 1-505. Compensation.

**1-501. To attend board meetings.** The city attorney shall attend all board meetings unless his absence is unavoidable. (1982 Code, § 1-501)

**1-502. To draft and/or review ordinances, etc.** The city attorney shall draft and/or review and revise all such ordinances<sup>2</sup> and resolutions as the mayor or board may request. (1982 Code, § 1-502)

**1-503. To furnish legal advice and opinions.** The city attorney shall give advice and, upon request, prepare written opinions on all legal questions submitted to him by the board, the mayor, or any commissioner when such questions officially concern or relate to the city. (1982 Code, § 1-503)

**1-504. To represent the city in the courts, etc.** The city attorney, upon request of the mayor or board, shall appear and represent the city in or before all city, county, state, and federal courts and administrative and legislative bodies which may be considering any case or cause of concern to the city. (1982 Code, § 1-504)

**1-505. Compensation.** In addition to his annual retainer fee as fixed by the board, the city attorney shall receive such compensation for professional services rendered as the board may from time to time approve. (1982 Code, § 1-505, modified)

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<sup>1</sup>Charter reference  
City attorney: art. VII, D.

<sup>2</sup>Charter reference  
Ordinance adoption procedure: art. V, § 4.

## CHAPTER 6

### CODE OF ETHICS

#### SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in nonvoting matters.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. Violations.

**1-601. Applicability.** This chapter is the code of ethics for personnel of the City of Sweetwater, excluding the Sweetwater Utilities Board and its employees. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation or other instrumentality appointed or created by the municipality, excluding the Sweetwater Utilities Board and its employees. The words "municipal" and "municipality" include these separate entities. The Sweetwater Utilities Board and its employees are subject to a separate code of conduct previously adopted and applicable to SUB and its employees, which policy the mayor and board of commissioners has reviewed and approved by separate resolution. (as added by Ord. #796, May 2007)

**1-602. Definition of "personal interest."** (1) For purposes of §§ 1-603 and 1-604 below, "personal interest" means:

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

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

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

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



(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #796, May 2007)

**1-603. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (as added by Ord. #796, May 2007)

**1-604. Disclosure of personal interest in nonvoting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #796, May 2007)

**1-605. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity or other kind of consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #796, May 2007)

**1-606. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #796, May 2007)

**1-607. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #796, May 2007)

**1-608. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #796, May 2007)

**1-609. Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #796, May 2007)

**1-610. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

(b) The city attorney may request 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.

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule or regulation the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this code of ethics. (as added by Ord. #796, May 2007)

**1-611. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #796, May 2007)

**TITLE 2****BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. RECREATION AND PARKS COMMISSION.
2. BOARD OF PUBLIC UTILITIES.
3. LIBRARY BOARD.
4. ECONOMIC DEVELOPMENT BOARD.
5. SWEETWATER HERITAGE MUSEUM BOARD.

**CHAPTER 1****RECREATION AND PARKS COMMISSION****SECTION**

- 2-101. Creation and membership.
- 2-102. Public meetings; officers; minutes.
- 2-103. Functions and powers of board.
- 2-104. Removal of members.
- 2-105. Employment of director and employees; duties of employees.

**2-101. Creation and membership.** A commission on recreation and parks is hereby created and hereafter referred to as the Recreation and Parks Commission for the City of Sweetwater, Tennessee. Said commission shall consist of seven (7) members with one (1) member being a city commissioner, who shall be designated as recreation and parks commissioner, together with six (6) other members of the commission, who shall be residents of the City of Sweetwater and appointed by the mayor and board of commissioners, to serve without compensation.

Commissioners serving as of June 30, 1998, shall serve out their term, and commissioners shall be appointed by the Mayor and Board of Commissioners of the City of Sweetwater for such terms that will produce a board of seven (7) members, with three (3) members' terms expiring each year, for two (2) year terms, plus the recreation and parks commissioner. Any vacancy on the commission occurring in any manner shall be filled by the mayor and board of commissioners. (Ord. #711, June 1998)

**2-102. Public meetings; officers; minutes.** The recreation and parks commission shall hold public meetings and elect a chairman, vice-chairman, and secretary, and shall keep minutes of all regular and special meetings and furnish a copy of said minutes to the city recorder to be kept in well bound record book. (Ord. #657, Feb. 1994)

**2-103. Functions and powers of board.** 1. Functions. The board shall perform those duties granted in Tennessee Code Annotated, § 11-24-103(b)(1).

2. Powers. The board shall have those powers as granted by the mayor and board of commissioners.

**2-104. Removal of members.** Any member of the recreation and parks commission may be removed for cause in the manner provided by the general ouster law of the State of Tennessee. The mayor and board of commissioners may by affirmative vote of the majority of the mayor and board of commissioners remove any member of the recreation and parks commission for misfeasance or malfeasance, or any other sufficient and just cause, not inconsistent with the provisions hereof, after due hearing before the mayor and the board of commissioners, following ten days notice in writing of the specific charges against him or her. (Ord. #657, Feb. 1994, modified)

**2-105. Employment of director and employees, duties of employees.** The mayor and board of commissioners shall employ a competent and well qualified person to serve as director of recreation and parks, to maintain the city recreational facilities efficiently and economically. The director may be discharged for incompetency, for default in office, or for failure to perform the duties of the office. The director shall recommend to the mayor and board of commissioners the personnel he requires to perform his duties, and the mayor and board of commissioners shall have the authority to employ the necessary employees that are required. (Ord. #657, Feb. 1994, modified)

## CHAPTER 2

### BOARD OF PUBLIC UTILITIES<sup>1</sup>

#### SECTION

- 2-201. Definitions.
- 2-202. Creation and membership of the board of public utilities.
- 2-203. Meetings and organization of the board.
- 2-204. Powers and duties of the board.
- 2-205. Contracts, leases, and agreements.
- 2-206. Conformity to bond resolution.
- 2-207. Reports to the mayor and board of commissioners.
- 2-208. Compensation of the board.
- 2-209. Removal of board members.
- 2-210. Board to have jurisdiction over waterworks, sewerage works, and gas system.
- 2-211. Board to assume debts and obligations of waterworks, sewerage works, and gas systems and to pay tax equivalents to the city.
- 2-212. Building permit required for service connection; exception.
- 2-213. Unauthorized use of or interference with water supply.

**2-201. Definitions.** (1) "Board," as used herein, shall mean the board of public utilities of the city.

(2) "Member" shall mean an individual member of such board.

(3) "Mayor and board of commissioners" shall mean the governing body of the city.

(4) "System" shall mean the utilities system of the city. (1982 Code, § 13-101)

**2-202. Creation and membership of the board of public utilities.**

The board of public utilities as created by Ord. #188, adopted on final passage June 8, 1939, is hereby expanded so as to include two (2) additional members. Said board shall now consist of five (5) members. No person shall be eligible to be a member of the board unless he shall be a citizen and bona fide freeholder or householder of the City of Sweetwater, shall live within the corporate limits of said city and shall have so lived for at least one (1) year prior to his appointment, and shall be at least twenty-five (25) years of age. Furthermore,

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<sup>1</sup>Charter reference

Delegation of control over utilities: art. VII, § 2.

Municipal code references

Building and electrical code: title 12.

Cross connections, etc.: title 18, chapter 2.

no member of the board can be an elected officer of or an employee of Monroe County, the City of Sweetwater, or the board of public utilities except that one (1) member of the board shall be chosen as hereinafter provided from the mayor and board of commissioners.

The four (4) appointed members of the board shall be appointed so that the term of one member shall expire on July 1 of each year. All except initial appointees and those appointed to serve unexpired terms shall serve four (4) year terms.

The fifth member of the board shall be the commissioner of the City of Sweetwater who is duly appointed as a member of the board of public utilities, and who shall by virtue of his said office, and for the tenure thereof, be one member of the board of public utilities. His tenure on said board shall be confined to his tenure of office as commissioner. Vacancies on the board shall be filled for the unexpired term only. New members, either for the purpose of filling a vacancy or for a full term, shall be selected and appointed by the mayor and board of commissioners. Each member shall hold his office until his successor is appointed and qualified. (1982 Code, § 13-102)

**2-203. Meetings and organization of the board.** The board shall promptly after its selection nominate and elect a chairman who shall preside over its meetings and a vice-chairman who shall preside in the absence or disability of the chairman. The board shall also select a secretary and treasurer or it may select one person to hold both offices who shall be designated as secretary-treasurer.

A new election of officers of the board shall be held at the first regular meeting of the board held following the appointment of a new member for a full term. However, officers once elected shall hold office until their successors are elected and qualified or until they cease to be members.

The board shall have the right to adopt by-laws, rules, and regulations not inconsistent herewith and not inconsistent with the laws of the land, the charter and ordinances of the City of Sweetwater, or the duly authorized and executed contracts of the City of Sweetwater or the board. The board may provide for the time, place, and manner of holding its regular and special meetings, and all such meetings shall be public and no action shall be taken except by a majority of the board. Three (3) members of the board shall constitute a quorum, but a smaller number may adjourn from day to day. The general manager herein provided for shall attend all meetings of the board and shall have a seat and voice but no vote in such meetings. Actions of the board may be made by motion or resolution on single readings effective immediately. (1982 Code, § 13-103)

**2-204. Powers and duties of the board.** (1) The board shall employ a competent and well qualified person to serve as general manager of the system who shall have the sufficient training and experience to enable him or her to

operate said system efficiently and economically, and whose salary shall be fixed by the board. The manager may be discharged at any regular meeting of the board for incompetency, for default in office, failure to perform the duties of the office, failure to comply with the rules and regulations of the board, or for any malfeasance or misfeasance in office. However, no employee of the board shall be discharged because of political affiliations, and no person shall be hired, during the tenure of any member, who is a member of an immediate family of the board member. Immediate family is defined as child, step-child, mother, father, spouse, grandparent, brother, sister, grandchild, stepbrother, step-sister, step-mother, step-father, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, or niece. It shall be the duty of the members of said board and the employees thereof to operate the system in a manner most consistent with sound economy and to public advantage, and to carry out the duties of their respective office without regard to political or personal favor and without discrimination.

(2) The board shall have the power to select, employ, and fix the salaries of officers and employees of the system, but may delegate this power to the general manager of the system except for the fixing of the salary of the general manager.

(3) Said board shall have full charge of operating, maintaining, extending, and servicing the utilities system, of making disbursements of its funds in accordance with law and ordinances and contracts made and entered into by the City of Sweetwater, and of collecting all moneys due to the system. It shall keep all necessary and proper books and records of said funds, and of all records and accounts of the system, and shall keep its funds in a special bank account or accounts kept for that purpose. It shall have them audited annually, and shall have them always available for inspection by the duly authorized representatives of the City of Sweetwater. The board shall require a fidelity bond with a corporate surety from all officers or persons charged with the handling and safekeeping of any of its funds. The cost of auditing, the cost of surety bonds, and any other expenses required by this chapter which are necessary to the operation of the utilities system or the performance of the duties of the board shall be paid by said board and shall be paid out of revenues collected by and from the system. All disbursements made by the board shall be approved by a majority of the board.

(4) The board shall have the right to extend or enlarge said system, the right to contract and to be contracted with, the right to exercise the rights of eminent domain, in the name of the City of Sweetwater, by and with the consent of the mayor and board of commissioners, the right to institute suit and defend suits brought against it, the right to employ counsel, and in general to do all acts and things necessary for the operation and maintenance of the utilities system.

(5) The board shall be required to give full effect to the contracts with the Tennessee Valley Authority, and others, with reference to the acquisition and purchase of the distribution system, as well as the power contract between



the Tennessee Valley Authority and the City of Sweetwater; shall collect all bills when due and shall neither donate electricity, natural gas, or water and sewer service nor deviate from the established rate schedules for the aforementioned services. In order to comply with the provisions of this subsection, the board shall rigidly enforce the collection of bills for service and shall, within the time prescribed by its rules and regulations, discontinue service for the non-payment of bills. Collection procedures are further specified as follows: If an account is closed, the deposit plus interest will be credited toward the final bill. If monies are still left, a refund will be made to the customer. In the event that a balance remains unpaid on the account after the deposit is applied, Sweetwater Utilities Board reserves the right to begin collection activities which may include: thirty (30), sixty (60), or ninety (90) day notices, door hanger, referral to the consumer's credit file, referral to a third party collection agency (selected by the board), and apply all collection fees to the debt, or legal action.

(6) The board shall fix rates to be charged for services rendered by the system, which rates shall be fair, reasonable, and uniform for all customers within the same class, and different rate schedules may be applied to different classes of customers, as determined by the board. Rates within the city may be less, but not greater than, rates for the same service outside the city. The rates for utility service shall be fixed in conformity with the resale rates that the city is required to charge by the city's contractual obligations with the Tennessee Valley Authority, either under the existing contractual rate or under the rates as may be revised pursuant to said contract. (1982 Code, § 13-104, as amended by Ord. #924, May 2015)

**2-205. Contracts, leases, and agreements.** The board may, in the operation of the system by itself or by its duly authorized officers and employees, execute deeds and enter into leases, contracts, and agreements, provided the terms of such leases, deeds, contracts, and agreements shall not conflict with the provisions of this chapter and shall be limited to a period of time, which will expire on or before twenty (20) years; provided, however, that longer term contracts may be made by and with the written authorization of the mayor and board of commissioners. The time limit prescribed in this paragraph for the duration of contracts and agreements shall not apply to bond issues. The authority given the board by this section shall not be construed to give the board authority to sell or lease all or a major portion of this system unless the transaction is duly approved by the mayor and board of commissioners, in conformity with the bond resolution, being an ordinance which shall not be passed as an emergency ordinance. (1982 Code, § 13-105)

**2-206. Conformity to bond resolution.** The board shall operate the system, collect, handle, and distribute its funds strictly in accordance with the provisions of outstanding bond resolutions, adopted by the mayor and board of commissioners of the City of Sweetwater, Tennessee, relating to the board of

public utilities. The board shall keep such accounting records, shall maintain such funds and accounts, shall set aside such revenues, and make such distributions as provided for in outstanding bond resolutions. It shall also be the duty of the board to pay promptly into the general fund of the City of Sweetwater the full amount due for tax equivalent as well as any other sum that may be due the general fund of the City of Sweetwater. Said board of public utilities shall have no power to expend, pledge, or distribute any sum due the general fund of the City of Sweetwater; and shall levy and collect such rates as may be necessary and in conformity with the Tennessee Valley Authority contract, to produce sufficient revenue to pay said charges promptly. (1982 Code, § 13-106)

**2-207. Reports to the mayor and board of commissioners.** It shall be the duty of the board to make annual reports to the mayor and board of commissioners showing in detail the financial condition of the utilities system, together with a complete operating statement thereof for the period preceding, and shall furnish any other information relative to said system as may be required by the mayor and board of commissioners. Additional meetings as required may be held upon request of either the mayor and board of commissioners or the board of public utilities. The aforementioned reports shall be kept on file at the general manager's office and open to inspection at all reasonable hours to taxpayers and the users within the system, as well as to their agents and attorneys. In the second week in September of each year, the board of public utilities shall meet with the mayor and board of commissioners. (1982 Code, § 13-107)

**2-208. Compensation of the board.** Members of the board shall receive no salary for their services but shall be required to meet at least once each month in regular meeting. They shall each be entitled to receive a fee of two hundred fifty dollars (\$250.00) per month per member. But this limitation in payment shall in no way affect the number of meetings which the board may hold in any one month. In addition to said compensation, board members shall be paid their actual and necessary traveling expenses, if any, in the performance of the duties of their office. (1982 Code, § 13-108, modified, as amended by Ord. #899, July 2013)

**2-209. Removal of board members.** Any member of the board may be removed for cause in the manner provided by the general ouster law of the State of Tennessee. The mayor and board of commissioners may by an affirmative vote of the majority of the mayor and board of commissioners remove any member of the board of public utilities for misfeasance or malfeasance, or any other sufficient and just cause, not inconsistent with the provisions hereof, after due trial before the mayor and board of commissioners following ten (10) days

notice in writing of the specific charges against him. (1982 Code, § 13-109, modified)

**2-210. Board to have jurisdiction over waterworks, sewerage works, and gas system.** All jurisdiction over the municipal waterworks, sewerage works, and gas system now vested in the mayor and board of commissioners is hereby transferred to and conferred upon the board of public utilities. The board shall keep separate accounts for the electric plant and each works, making due and proper allocation of all joint expenses, revenues, and property valuations. (1982 Code, § 13-110)

**2-211. Board to assume debts and obligations of waterworks, sewerage works, and gas systems and to pay tax equivalents to the city.** The board of public utilities shall assume responsibility for meeting all debts and obligations of the waterworks, sewerage works, and gas system. Further, the board shall pay to the municipal general fund each year a tax equivalent payment covering the properties and operations of the waterworks, sewerage works, and gas system. Said tax equivalent payments shall not be inconsistent with the provisions of any outstanding board resolution. This payment shall be in addition to any debt service required to meet the bonded indebtedness of the utilities and shall be in an amount determined by the mayor and board of commissioners at the time of adoption of the annual budget. (1982 Code, § 13-111)

**2-212. Building permit required for service connections; exception.**<sup>1</sup> The board of public utilities shall not establish or connect any new services to any water, sewer, gas, or electric customers within the city unless such customer first tenders a building permit or an occupancy permit issued by the building inspector or unless the customer obtains a letter from the building inspector stating that a building permit is not necessary and why it is not necessary. (1982 Code, § 13-112)

**2-213. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the utilities curb stops, valves, or fire hydrants without permission or authority from the board of public utilities except to fight fire or when being inspected in the presence of an authorized agent. (1982 Code, § 13-113)

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

## CHAPTER 3

### LIBRARY BOARD

#### SECTION

- 2-301. Creation of library board.
- 2-302. Duties of library board.
- 2-303. Library board budget.
- 2-304. Additional powers of library board.
- 2-305. Officers of library board.

**2-301. Creation of library board.** A board for the operation and maintenance of a public library system in the City of Sweetwater is hereby created and established and is hereafter referred to as the library board. Said board shall consist of nine (9) members. The Mayor and Board of Commissioners of the City of Sweetwater shall appoint a city commissioner, who shall be designed in addition to his other duties as library commissioner, to serve as a non-voting *ex officio* member of the library board. No other city commissioner may serve on the board. Nothing in this section shall interfere with the composition of the library board as it is presently constituted for the balance of the terms of its members. The nine (9) voting members of the board shall be residents of the geographical area served by the library. The members shall serve without salary. The members shall serve three (3) year staggered terms. Board members may serve two (2) consecutive terms and may be reappointed after a minimum three (3) year break in service. (Ord. #532, June 1982, as amended by Ord. #575, Sept. 1985, Ord. #676, Aug. 1995, Ord. #967, Sept. 2018 *Ch7\_02-07-22*, and replaced by Ord. #1008, Aug. 2022 *Ch8\_08-05-24*)

**2-302. Duties of library board.** The members of the library board shall organize by electing officers and adopting by-laws, rules, and regulations not inconsistent herewith and not inconsistent with the laws of the land, the charter, and ordinances of the City of Sweetwater, or the duly authorized and executed contracts of the City of Sweetwater or the board. The board shall have the power to direct all the affairs of the library including appointment of a librarian who shall direct the internal affairs of the library, and such assistants or employees as may be necessary. It may make and enforce rules and regulations and expend such funds as necessary for the operation and maintenance of the library so long as said expenditures are within the budget allocated and/or approved by the mayor and board of commissioners for the library board. It may receive donations, devises, and bequests to be used by it directly for library purposes. The library board shall have power to make and enforce rules providing penalties for loss of or injury to library property. The library board shall furnish to the state library agency such statistics and

information as may be required, and shall make annual reports to the board of commissioners. (Ord. #532, June 1982)

**2-303. Library board budget.** Annually, the library board shall submit a budget to the mayor and board of commissioners for its approval. The library board is prohibited from making any appropriation or contracting any indebtedness which will exceed the amount appropriated for this purpose by the mayor and board of commissioners, and any indebtedness contracted which will be in excess of such amount will not be a binding obligation against the city. The library board shall make full and complete quarterly and annual financial and operational reports to the mayor and board of commissioners, and such other reports as from time to time are requested by the mayor and board of commissioners. (Ord. #532, June 1982)

**2-304. Additional powers of library board.** In addition to the powers and duties of the library board as set out herein, the library board shall have all the rights and powers and shall be charged with all the duties and responsibilities provided for such library boards through the statutes of Tennessee, and particularly through Tennessee Code Annotated, §§ 10-3-101 through 10-3-111. (Ord. #532, June 1982)

**2-305. Officers of library board.** The board shall promptly after its selection nominate and elect a chairman who shall preside over its meetings and a vice-chairman who shall preside in the absence or disability of the chairman. The board shall also select a secretary and treasurer or it may select one person to hold both offices who shall be designated as secretary-treasurer. The board shall annually elect officers in April to take office in July. Officers once elected shall hold office until their successors are elected and qualified or until they cease to be members. The board may provide for the time, place, and manner of holding its regular and special meetings, and all such meetings shall be public and no action shall be taken except by a majority of the board. Four members of the board shall constitute a quorum, but a smaller number may adjourn from day to day. Actions of the board may be made by motion or resolution on single readings effective immediately. (Ord. #532, June 1982)

## CHAPTER 4

### ECONOMIC DEVELOPMENT BOARD

#### SECTION

- 2-401. Creation and membership.
- 2-402. Functions and duties.
- 2-403. Officers and organization of the board.
- 2-404. Report to the mayor and board of commissioners.
- 2-405. Jurisdiction over industrial property.
- 2-406. Relationship to other city boards.

**2-401. Creation and membership.** There is hereby created and established the Economic Development Board of the City of Sweetwater. By virtues of their offices, the mayor of the city, the General Manager of Sweetwater Utilities Board, the City of Sweetwater Code Enforcement Officer, and the Director of Monroe County Economic Development shall be members of the board. In addition, there shall be four private citizen members of the board to be nominated by the mayor and confirmed by the board of commissioners. Of the initial nominations for the private citizen board members, two shall be for a two year term and two shall be for a four year term. Thereafter, all nominations shall be for a four year term. (as added by Ord. #771, June 2004)

**2-402. Functions and duties.** The economic development board shall:

- (1) Identify, evaluate and develop a strong economic base for the community.
- (2) Establish a vision and set goals for economic and industrial development in the community.
- (3) Make recommendations to the mayor and board of commissioners for economic and industrial development, to include any funding necessary to the city's general operating budget and the capital improvement program.
- (4) Strengthen the economy to more effectively use the community's natural and human resources and better meet community and regional needs.
- (5) Ensure the location and development of only those commercial and industrial uses that will not adversely affect the community's human and natural resources.
- (6) Support and address the needs of existing industry. (as added by Ord. #771, June 2004)

**2-403. Officers and organization of the board.** (1) The board shall hold an organizational meeting within thirty days of its original creation and thereafter in August of each odd numbered year for the purpose of electing officers. At such meeting the board shall elect a chair to preside over its meetings and attend to its daily business, a vice-chair to preside and perform in

the absence of the chair, and a secretary who shall record and preserve the minutes of each meeting of the board as well as its other records. The chair so elected shall have no vote in the proceedings of the board.

(2) A copy of the minutes of the board meetings shall be provided to the city recorder in a prompt and efficient manner.

(3) The board may adopt such by-laws, rules and regulations as are necessary to its functions and duties.

(4) The board shall provide for the time, place and manner of holding its regular and special meetings and all such meeting shall be public.

(5) Four members of the board shall constitute a quorum for transacting official business, which shall be by motion or resolution on single readings effective immediately.

(6) The executive committee of the board shall consist of the chair of the board, the mayor of the city, the General Manager of Sweetwater Utilities Board, and the Director of Monroe County Economic Development. The executive committee director may exercise all powers of the board between regular meetings of the board, subject to report and affirmation of such actions at the next subsequent regular meeting of the board. (as added by Ord. #771, June 2004)

**2-404. Report to the mayor and board of commissioners.** It shall be the duty of the board to make an annual report to the mayor and board of commissioners at a joint meeting in January of each year. At such meeting, the board shall present its plan for economic and industrial development for the ensuing year and review accomplishments of the previous year. Such annual report shall specifically address any projected development needs for inclusion in the city's capital improvements program, any projected development needs for inclusion in the city's general fiscal year budget, any recommendations for policy or legislation needed, and such other information as the board may deem appropriate. Additional meetings as required may be held at the request of either the economic development board or the mayor and board of commissioners. (as added by Ord. #771, June 2004)

**2-405. Jurisdiction over industrial property.** All jurisdiction over industrial property owned by the City of Sweetwater now vested in the mayor and board of commissioners is hereby transferred to and conferred upon the economic development board, provided that, any proposed purchases, leasing or other acquisition of property by the economic development board shall first be submitted to the mayor and board of commissioners for its specific approval, specifying its location, size, nature, suitability for proposed use, cost, proposed financing for the purchase, proposed cost for development and infrastructure, availability of third party financing or contributions and whether annexation is required. The economic development board is prohibited from making any appropriation or contracting any indebtedness which will exceed the amount

specifically appropriated by general budget or expressly otherwise approved by the mayor and board of commissioners. The economic development board may propose economic incentives to the mayor and board of commissioners, but expressly has no authority to grant or promise the granting of the same without the specific prior approval of the mayor and board of commissioners. (as added by Ord. #771, June 2004)

**2-406. Relationship to city boards.** The economic development board shall have authority to convene the industrial development board or the health, education and housing facility board if the actions of either of these boards is needed to carry out is approved program or proposals of the economic development board. The authority to convene these boards is specifically NOT a delegation of the authority of the mayor and board of commissioners to approve issuance of bonds or any other debt of the city. (as added by Ord. #771, June 2004)



## CHAPTER 5

### SWEETWATER HERITAGE MUSEUM BOARD

#### SECTION

- 2-501. Creation of Sweetwater Heritage Museum Board.
- 2-502. Powers and duties of museum board.
- 2-503. Museum board administration and finances.
- 2-504. Officers of museum board.

**2-501. Creation of Sweetwater Heritage Museum Board.** A board for the operation and maintenance of the Sweetwater Heritage Museum in the City of Sweetwater is hereby created and established and is hereafter referred to as the museum board. Said board shall consist of seven (7) members. One (1) member shall be a city commissioner who shall be designated in addition to his other duties as the museum commissioner and who shall be elected by the Mayor and Board of Commissioners of the City of Sweetwater. Another member shall be a member of an historic or patriotic organization, which may be the historic zoning commission, and shall be designated as the historic member. Another member shall be a representative of the parks and recreation commission, and shall be designated the recreation member. The remaining four (4) members shall be residents of the State of Tennessee and shall be appointed by the mayor and board of commissioners and shall serve without compensation. Except for their initial appointments, the terms of the appointed members shall be for three (3) years each, and not more than five (5) of the members shall be of the same sex. The six (6) initial appointments shall have terms as follows: two (2) members for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years, with terms expiring on July 1, 2011; July 1, 2012, and July 1, 2013, respectively. The representative of the board of commissioners shall be appointed to a two (2) year term following every city election or when a vacancy occurs. (as added by Ord. #855, July 2010)

**2-502. Powers and duties of museum board.** The members of the museum board shall organize by electing officers and adopting bylaws, rules, and regulations not inconsistent herewith and not inconsistent with the laws of the land, the charter, and ordinances of the City of Sweetwater, or the duly authorized and executed contracts of the City of Sweetwater or the board. The board shall have the power to direct all the affairs of the museum including appointment of a curator who shall direct the internal affairs of the museum in a voluntary capacity, and such assistants in a voluntary capacity as may be necessary. If at some time in the future a person is employed specifically for the museum, the employee(s) are considered an employee of the City of Sweetwater and therefore subject to all rules and regulations of title four (4) of the Sweetwater Municipal Code, including the authority of the Mayor and Board of

Commissioners of the City of Sweetwater. The museum board may make and enforce rules and regulations. The museum board may determine the activities and events of the museum, hours of operation, and exhibits to be displayed, as well as the day-to-day operations of the museum. (as added by Ord. #855, July 2010)

**2-503. Museum board administration and finances.** The museum board may conduct fundraisers and raise funds on behalf of the museum, so long as all funds are properly receipted and presented to the recorder within two (2) business days for deposit. The museum shall receive funding as allocated in the City of Sweetwater's annual budget by the mayor and board of commissioners. The Parks and Recreation Department of the City of Sweetwater shall oversee the building maintenance. The museum board may apply for appropriate grants to benefit the museum, but must receive permission from the mayor and board of commissioners prior to application. The museum board does not have the authority to obligate the City of Sweetwater financially in any way without approval of the mayor and board of commissioners. The city recorder shall maintain a record of all revenues and expenditures of the museum in the city's general ledger and be the custodian of all museum funds. (as added by Ord. #855, July 2010)

**2-504. Officers of museum board.** The board shall promptly after its selection nominate and elect a chairman who shall preside over its meetings and a vice-chairman who shall preside in the absence or disability of the chairman. The chairman shall make an annual report to the mayor and board of commissioners concerning the activities of the past year, and expected activities for the future. The board shall also select a secretary and treasurer or it may select one (1) person to hold both offices who shall be designated as secretary-treasurer. The board shall annually elect officers in April to take office in July. Officers once elected shall hold office until their successors are elected and qualified or until they cease to be members. All meetings must be advertised at least once annually. The board may provide for the time, place, and manner of holding its regular and special meetings, and all such meetings shall be public and no action shall be taken except by a majority of the board when a quorum is present. Four (4) members of the board shall constitute a quorum, but a smaller number may adjourn from day to day. Actions of the board may be made by motion or resolution on single readings effective immediately. (as added by Ord. #855, July 2010)

**TITLE 3**

**MUNICIPAL COURT**

**CHAPTER**

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

**CHAPTER 1**

**CITY JUDGE**

**SECTION**

- 3-101. City judge.
- 3-102. Jurisdiction.

**3-101. City judge.** The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge.

**3-102. Jurisdiction.** The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the general penalty provision of this code.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

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

3-204. Disturbance of proceedings.

3-205. Failure to appear in municipal court and penalty therefore.

**3-201. Maintenance of docket.** The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant.

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

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases.

**3-203. Disposition and report of penalties and costs.** All funds coming into the hands of the city judge in the form of 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 mayor and board of commissioners a report accounting for the collection or noncollection of all penalties and costs imposed by his court during the current month and to date for the current fiscal year.

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

**3-205. Failure to appear in municipal court and penalty therefore.** Any person who intentionally, knowingly or willingly fails to appear in the municipal court on the date and time specified on a citation or other process issued from the municipal court is guilty of a separate municipal offense,

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.

and upon being found guilty shall be punished by a fine of not more than fifty dollars (\$50.00). Proof that the defendant failed to appear when required constitutes prima facia evidence that the failure to appear is willful. The separate municipal offense of failure to appear shall be subject to court costs. (as added by Ord. #817, Dec. 2007)

## CHAPTER 3

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

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

**3-302. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to 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 municipal code or 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.

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

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<sup>1</sup>State law reference

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

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

**3-401. Appearance bonds authorized.** (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq.

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

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

**3-403. Bond amounts, conditions, and forms.** 1. Appearance bond.

An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

2. Appeal bond. An appeal bond in any case shall be in such sum as the city judge shall prescribe, sufficient to secure the amount of the judgment plus costs, and shall be conditioned that if the circuit court shall find against the appellant the amount of the judgment and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties.

3. Form of bond. 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 within the county. No other type bond shall be acceptable.



## TITLE 4

### MUNICIPAL PERSONNEL

#### CHAPTER

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. PERSONNEL SYSTEM.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL REIMBURSEMENT REGULATIONS.
5. INFECTIOUS DISEASE CONTROL POLICY.
6. DISCRIMINATION AND HARASSMENT.

#### CHAPTER 1

### SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

#### 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 to be kept and reports made.
- 4-106. Personnel excluded from coverage.

**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of the city to provide for the employees and officials of the city, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1982 Code, § 1-901)

**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. (1982 Code, § 1-902)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in § 4-101 of this chapter, hereof, 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. (1982 Code, § 1-903)

**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. (1982 Code, § 1-904)

**4-105. Records to be kept and reports made.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1982 Code, § 1-905)

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

There is also excluded from this chapter any authority to make any agreement with respect to elective officials engaged in rendering legislative services, or any employee or official not authorized to be covered by applicable federal or state laws or regulations. (1982 Code, § 1-906)

**CHAPTER 2****PERSONNEL SYSTEM****SECTION**

4-201. Personnel rules and regulations.

**4-201. Personnel rules and regulations.**<sup>1</sup> The personnel rules and regulations for the City of Sweetwater are adopted herein as if set out verbatim. (as replaced by Ord. #1012, Feb. 2023 *Ch8\_08-05-24*)

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<sup>1</sup>The Personnel Rules and Regulations for the City of Sweetwater (Ord. #1012, Feb. 2023), as amended from time to time, are available in the office of the recorder.

## CHAPTER 3

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

#### 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 Sweetwater. (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

**4-302. Purpose.** The City of Sweetwater in electing to update the established program plan will maintain an effective and comprehensive 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.

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<sup>1</sup>The Occupational Safety and Health Program for the City of Sweetwater, including Appendices I through IV are included in this municipal code as Appendix 2.

(4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

**4-303. Coverage.** The provisions of the Occupational Safety and Health Program for the employees of the City of Sweetwater 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. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

**4-304. Standards authorized.** The Occupational Safety and Health standards adopted by the City of Sweetwater are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.<sup>1</sup> (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 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. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 50, chapter 3.

**4-306. Administration.** For the purposes of this chapter, the safety director 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. #759, § July 2003, as replaced by Ord. #908, Nov. 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 Sweetwater. (Ord. #759, § July 2003, as replaced by Ord. #908, Nov. 2013)

## CHAPTER 4

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

- 4-401. Policy statement.
- 4-402. Procedure.
- 4-403. General information.
- 4-404. Responsibility.

**4-401. Policy statement.** In order to best utilize the resources available to the city, employees are expected to minimize the costs of necessary business travel. This policy sets out regulations and restrictions governing travel expense for all officials and employees of the City of Sweetwater. (Ord. #655, March 1994)

**4-402. Procedure.** City employees shall use the most economical means available when traveling at city expense; shall thoroughly document all expenses incurred; and shall complete all necessary travel requests and reports according to the following guidelines:

(1) Transportation/public transportation. The city will pay the actual costs of coach or regular fare for public transportation by air, train, or bus.

(2) Transportation/automobile. (a) If a city vehicle is used, the city will pay only the cost of actual expenses for gasoline, oil, and emergency repairs. If a private vehicle is used, the city will reimburse at the state rate per mile by the most direct route to and from a meeting to a maximum of the cost of the most economical airfare for the same trip.

(b) If a private vehicle is used by two (2) or more official travelers on the same trip, only the traveler owning or having custody of the vehicle will be reimbursed for mileage in accordance with the rate outlined above.

(c) In no event shall reimbursement for use of a private vehicle, meals, and lodging while in transit to and from destination exceed the cost of economy class air fare.

(d) Additional travel days required due to automobile travel rather than air travel, when automobile travel is selected as a matter of personal preference by traveler rather than by the city, shall be taken as annual leave or other appropriate leave.

(e) The city will reimburse for car rental, including mileage, when any employee can justify the necessity for a vehicle. The employee should include this expense in estimating the cost of the trip beforehand, and be prepared to justify the need for a car at the location. Liability coverage listing the City of Sweetwater as insured must be obtained from

the vendor for any use of rental vehicles. Whenever possible, public transportation should be utilized in lieu of rental vehicles.

(f) Employees will not be reimbursed for any fines for traffic violations or parking tickets. Costs incurred to private vehicles due to accidents, or the cost of repairs due to breakdowns of private vehicles will not be reimbursed to employees.

(g) A guest of city personnel may travel in a city vehicle on approved city travel; however, the city will not pay other expenses of the guest.

(h) City vehicles are available and should be used in lieu of private vehicles whenever practical. City vehicles shall not be utilized when the employee intends to combine business travel with annual leave away from the city. Arrangements for city vehicles can be made through the corresponding department head/commissioner.

(3) Lodging. Whenever possible, lodging should be booked in advance through the city recorder's office. Reimbursement for lodging will be based on the locality, purpose for travel, and availability of accommodations. Reasonableness and economy should be exercised by the traveler in all instances.

(a) The city will not reimburse for resort accommodations unless the accommodation is at or near the location of the conference, event or meeting attended by city personnel or the expense is approved in advance of the trip.

(b) The city will pay lodging expenses or reimburse lodging expenses incurred by city personnel. A guest may share lodging with city personnel so long as no additional cost is incurred.

(4) Meals. City personnel shall be provided or reimbursed a meal *per diem* at the state rate in effect at the time of the expense published by the Tennessee Department of Finance and Administration, Standard Reimbursement Rate Schedule, [https://www.tn.gov/content/dam/tn/finance/documents/fa\\_policies/policy8.pdf](https://www.tn.gov/content/dam/tn/finance/documents/fa_policies/policy8.pdf), or upon submission of receipts or affidavit for actual costs for meals that are a part of the conference, event or meeting attended by city personnel.

(a) Meal allowances will not be provided when meal events are included in conference registrations or are otherwise provided at no cost to the employee.

(c) If any meal is part of the official program at a conference or a seminar, the city will reimburse an employee for the actual cost.

(d) Meals for hosts and guests transacting and/or discussing city business is an allowable expense.

(e) Receipts for meals shall not be required except if a part of the official program when the city will reimburse for actual cost.



(5) Conference expenses. The city will pay for all actual charges pertaining to an approved conference, meeting, or seminar, including registration fees and dues.

(6) Miscellaneous expenses. The city will reimburse actual charges for intra-city taxi, airport bus or limousine fares, tolls and parking, baggage handling, and business telephone calls. The actual cost of one (1) phone call per day (unless emergency) of reasonable length, to family will be paid by the city. (Ord. #655, March 1994, as replaced by Ord. #1012, Feb. 2023 *Ch8\_08-05-24*)

**4-403. General information.** (1) Advance travel funds must be requested in writing by the department head seven days prior to any travel for any employee in the department with date and time of departure and expected return.

(2) The city will pay travel expenses upon receipt of the completed "travel expense report" supported by paid receipts for transportation, lodging, registration fees, and other miscellaneous expenses authorized for reimbursement.

(3) For the city to be able to take advantage of its sales tax exempt status as a municipal organization, a direct payment must be made from the city to the vendor of travel or lodging services. Therefore, prepayment of these expenses should be made whenever possible.

(4) Before departure, employees will provide to their department an address and phone number where they can be contacted if the need arises while they are away. (Ord. #655, March 1994)

**4-404. Responsibility.** All department heads are responsible for the dissemination and administration of this policy within their departments and for monitoring travel expenses of their employees.

All employees who travel on city business are responsible for compliance with the requirements of this policy, and for the exercise of sound judgment in their travel expenditures. Violation of travel rules can result in disciplinary action of employees and officials. Travel fraud can result in criminal prosecution of employees and/or officials. (Ord. #655, March 1994)

## CHAPTER 5

### INFECTIOUS DISEASE CONTROL POLICY

#### SECTION

- 4-501. Purpose.
- 4-502. Coverage.
- 4-503. Administration.
- 4-504. Definitions.
- 4-505. Policy statement.
- 4-506. General guidelines.
- 4-507. Hepatitis B vaccinations.
- 4-508. Reporting potential exposure.
- 4-509. Hepatitis B virus post-exposure management.
- 4-510. Human immunodeficiency virus post-exposure management.
- 4-511. Disability benefits.
- 4-512. Training regular employees.
- 4-513. Training high risk employees.
- 4-514. Training new employees.
- 4-515. Records and reports.
- 4-516. Legal rights of victims of communicable diseases.

**4-501. Purpose.** It is the responsibility of the City of Sweetwater to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Sweetwater, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

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

**4-502. Coverage.** Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;
- (3) Housekeeping and laundry workers;

- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination.

**4-503. Administration.** This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

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

**4-504. Definitions.** (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

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

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

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through

sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

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

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected.

**4-505. Policy statement.** All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

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

**4-506. General guidelines.** General guidelines which shall be used by everyone include:

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

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

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

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items

shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

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

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

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

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

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

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

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

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

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

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

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

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous

conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

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

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

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

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

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

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up.

**4-507. Hepatitis B vaccinations.** The City of Sweetwater- shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator.

**4-508. Reporting potential exposure.** City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

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

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

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

**4-509. Hepatitis B virus post-exposure management.** For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

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

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

**4-510. Human immunodeficiency virus post-exposure management.** For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

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

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be

performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure.

**4-511. Disability benefits.** Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303.

**4-512. Training regular employees.** On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.

**4-513. Training high risk employees.** In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy.

**4-514. Training new employees.** During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work.

**4-515. Records and reports.** (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

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

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and



must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

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

**4-516. Legal rights of victims of communicable diseases**. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER 6

### DISCRIMINATION AND HARASSMENT

#### SECTION

4-601. Scope.

4-602. Strict enforcement.

4-603. Procedures.

4-604. Not a guarantee or employment contract.

4-605.--4-606. Deleted.

**4-601. Scope.** The City of Sweetwater will not tolerate discrimination against or harassment of its employees, elected officials or others in course of the city's business. The city's policy against discrimination and harassment stated in this chapter and the procedures for its enforcement set forth in the city's employee handbook apply to all officers and employees of the City of Sweetwater, including, but not limited to, full-time and part-time employees, elected officials, permanent and temporary employees, employees covered by or exempt from the personnel rules and regulations of the city, employees working under contract for the city, and to the extent applicable, to any other person(s) who might violate the policy. (as added by Ord. #794, July 2006, and replaced by Ord. #975, Nov. 2019 *Ch7\_02-07-22*)

**4-602. Strict enforcement.** The city's policy against discrimination and harassment shall be strictly enforced by immediate formal disciplinary or other action, which may include immediate discharge. (as added by Ord. #794, July 2006, and replaced by Ord. #975, Nov. 2019 *Ch7\_02-07-22*)

**4-603. Procedures.** The procedures for complaints, investigation, reports and enforcement of the city's discrimination and harassment policy by disciplinary or other action shall be set forth in the city's employee handbook, adopted by resolution of the board of commissioners. The human resources officer is authorized to make such additions, deletions and other changes to the employee handbook as are appropriate for the enforcement and administration of the policies and procedures set forth in the Sweetwater Municipal Code and Employee Handbook without further action by the board of commissioners. (as added by Ord. #794, July 2006, and replaced by Ord. #975, Nov. 2019 *Ch7\_02-07-22*)

**4-604. Not a guarantee or employment contract.** Neither the city's discrimination and harassment policy nor the procedures set forth in the employee handbook are guarantees or binding commitments of the city to protected individual(s). Neither the city's discrimination and harassment policy nor the procedures set forth in the employee handbook constitute an

employment contract or any part of an employment contract, express or implied.  
(as added by Ord. #794, July 2006, and replaced by Ord. #975, Nov. 2019  
***Ch7\_02-07-22***)

**4-605.--4-606. Deleted.** (as added by Ord. #794, July 2006, as deleted by  
Ord. #975, Nov. 2019 ***Ch7\_02-07-22***)

## TITLE 5

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

#### CHAPTER

1. PROPERTY TAXES.
2. PRIVILEGE TAXES GENERALLY.
3. WHOLESALE BEER TAX.
4. BIDDING AND PURCHASING PROCEDURES.
5. COLLECTION PROCEDURES.

#### CHAPTER 1

#### PROPERTY TAXES

#### SECTION

- 5-101. When assessed.  
 5-102. When due and payable.  
 5-103. When delinquent--penalty and interest.

**5-101. When assessed.** All real property taxes shall be assessed as of the 10<sup>th</sup> day of January of the year for which levied. (1982 Code, § 6-101)

**5-102. When due and payable.**<sup>2</sup> Taxes levied by the city against real property shall become due and payable annually on the first of October of the year for which levied. (1982 Code, § 6-102)

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<sup>1</sup>Charter references

General provisions relating to finance and taxation: art. II, § 1(21); art. VI; and art. VII, § 3(B)2.

Requirement that ordinances be used to levy taxes and fees: art. V, § 5.

Municipal code reference

Tax equivalent payments by a board of public utilities: § 2-211.

<sup>2</sup>Charter and state law reference

Tennessee Code Annotated, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of ½ of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

**5-103. When delinquent--penalty and interest.**<sup>1</sup> All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county taxes. (1982 Code, § 6-103)

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<sup>1</sup>Charter and state law references

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

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

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

5-201. Tax levied.

5-202. License required.

**5-201. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the said act. (1982 Code, § 6-201)

**5-202. License required.** No person shall exercise any privilege taxed by the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon such applicant's payment of the appropriate privilege tax. (1982 Code, § 6-202)

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

5-301. To be collected.

**5-301. To be collected.** The recorder is hereby directed to collect for the City of Sweetwater 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> (1982 Code, § 6-301)

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<sup>1</sup>State law reference

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



## CHAPTER 4

### BIDDING AND PURCHASING PROCEDURES

#### SECTION

- 5-401. Application.
- 5-402. Limits on purchases.
- 5-403. Advertising and bidding.
- 5-404. Contracts for professional services.

**5-401. Application.** This chapter shall apply to all purchases by authorized officials in the City of Sweetwater using or encumbering municipal funds, except those exempted by state law in Tennessee Code Annotated, § 6-56-302. (Ord. #744, April 2002)

**5-402. Limits on purchases.** All purchases made from funds subject to the authority of this chapter shall be made within the limits of the approved budget, when required, and the appropriations, when required, for the department, office or agency for which the purchase is made. (Ord. #744, April 2002)

**5-403. Advertising and bidding.** 1. Exceptions. Except as hereinafter provided, all purchases and leases or lease-purchase agreements shall be made or entered into only after public advertisement and competitive bid. Except as follows:

(a) Purchases costing less than twenty-five thousand dollars (\$25,000.00); provided, that this exemption shall not apply to purchases of like items which individually cost less than twenty-five thousand dollars (\$25,000.00), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed twenty-five thousand dollars (\$25,000.00) during any fiscal year, which shall automatically be increased if and when a greater sum is authorized by state law.

(b) Any goods or services which may not be procured by common means because of the existence of a single source of supply or being a proprietary product. A record of all such sole source or proprietary purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such sole source or proprietary purchases shall be made as soon as possible to the municipal governing body and the chief executive officer of the municipality and shall include all items of information as required for the record.

(c) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen

causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A record of any such emergency purchase shall be made by the person or body authorizing such emergency purchases, and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency. A report of any emergency purchase shall be made as soon as possible to the municipal governing body and the chief executive officer of the municipality, and shall include all items of information as required by the record.

(d) Leases or lease purchase agreements requiring total payments of less than twenty-five thousand dollars (\$25,000.00) in each fiscal year the agreement is in effect; provided, that this exemption shall not apply to leases of like related items which individually may be leased or lease purchased with total payments of less than twenty-five thousand dollars (\$25,000.00) in any fiscal year, but which are customarily leased or lease purchased in numbers of two (2) or more, if the total lease or lease purchase payments for such items under a single agreement would be twenty-five thousand dollars (\$25,000.00) or more in any fiscal year, which shall automatically be increased if and when a greater sum is authorized by state law.

(e) Purchases, leases or lease purchases of real property.

(f) Purchases, leases or lease purchases from any federal, state or local governmental unit or agency of secondhand articles or equipment or other materials, supplies, commodities and equipment.

(g) The governing body may exempt perishable commodities from requirements of public advertisement and competitive bidding when such items are purchased in the open market. Fuel and fuel products may be purchased in the open market without public advertisement, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general service contract where available.

2. Expenditures of less than twenty-five thousand dollars (\$25,000.00). All purchases, leases or lease purchase arrangements with expenditures of less than twenty-five thousand dollars (\$25,000.00) but more than ten thousand dollars (\$10,000.00) in any fiscal year may be made in the open market without public advertisement, but shall, whenever possible, be based upon at least three (3) competitive bids. Purchases, leases and lease purchases of ten thousand dollars (\$10,000.00) or less in any fiscal year shall not require any public advertisement or competitive bidding. The sum of ten thousand dollars (\$10,000.00) in this subsection shall automatically increase to forty percent (40%) of the increased sum for which advertisement and competitive bidding is required if and when a greater sum is authorized by state law.

(3) Other exempt purchases, leases and lease-purchase agreements.

The foregoing requirements for advertising and competitive bids for city purchases, leases and/or lease-purchase agreements shall not apply to or restrict the city's ability to participate in any program for municipal purchases, leases and/or lease-purchase agreements by, through, from or with the State of Tennessee, the State Department of General Services, any state agency or any other local government entity, individually or cooperatively, whenever such purchase, lease or lease-purchase agreement is authorized by statute.

(4) Competitive bidding. (a) Contracts shall be awarded for the lowest competent, responsible bid that is responsive to the request for bids. The lowest responsible bidder means not merely the lowest bidder whose pecuniary ability to perform the contract is deemed the best, but the bidder who is most likely, in regard to skill, ability and integrity, to do faithful, conscientious work, and promptly fulfill the contract according to its letter and spirit. Accordingly, the requirement that the city's contract shall be let to the "lowest responsible bidder" does not require the letting to the lowest bidder upon ascertaining his financial responsibility only, but the term "responsible" includes the ability to respond by the discharge of the contractor's obligation in accordance with what may be expected or demanded under the terms of a contract.

(b) Because the lowest price bid is not the only consideration, the board, selection committee or procurement officer may award a bidder who is not the lowest bidder if other factors affect (i) the overall quality or total cost of the finished product or project, (ii) the cost and/or convenience of maintenance; (iii) the ability of the bidder to efficiently and effectively provide a quality product or service and/or other factors relevant to the particular project that affect the overall cost and quality of performance of the services or goods for which the bid is let, over the anticipated life of the completed project. Said factors may be evaluated using, but not necessarily limited to, job and performance references; background and financial reviews; bidder reports and lists such as equipment lists and staff qualifications; and the bidder's location relevant to the project. Examples of the application of such factors, while not exhaustive, include a bidder for a garbage contract who offers a low bid, but has an inadequate number of trucks to reliably and timely perform the contract; a bidder whose references provide negative reports of the bidder's poor performance on similar projects; a bidder on a contract for which the city will be reimbursed upon progress or completion, whose financial condition does not reasonably permit the bidder to wait for the city to receive the funds with which to pay the bidder; a bidder to sell or lease the city vehicles or equipment, which would have to be driven or transported an inordinate distance for service and/or repairs; or a bidder who offers equipment or services that are not compatible with equipment that the city already owns or leases or providers who already have

contracts with the city. The foregoing factors, evaluation tools and examples are illustrative only, are not exhaustive and do not define the limits of the authority of the board, selection committee or procurement official.

(c) Further, the board of commissioners, selection committee or procurement official may reject any and all bids received for purchase or sales; thus a contract need not be awarded to the lowest bidder even if the bid offered by a reliable and responsible bidder. (Ord. #744, April 2002, as amended by Ord. #903, Sept. 2013, Ord. #946, Nov. 2016, and Ord. #1034, March 2024 *Ch8\_08-05-24*)

**5-404. Contracts for professional services.** (1) In the procurement of architectural and engineering services, the board of commissioners or a selection committee or procurement official appointed by the board may seek qualifications and experience data from any firm(s) licensed in this state and interview such firm(s). The board, selection committee or procurement official shall evaluate statements of qualifications and experience data regarding the procurement of architectural and engineering services, and shall conduct discussions with such firm or firms regarding the furnishing of required services and then shall select the firm deemed to be qualified to provide the services required, which need not be based on the lowest compensation.

(2) The board, selection committee or procurement official shall negotiate a contract with the qualified firm for architectural and engineering services at compensation which the selection committee or procurement official determines to be fair and reasonable to the city. In making such determination, the board, selection committee or procurement official shall take into account the estimated value of the services to be rendered, the scope of work, complexity and professional nature thereof.

(3) Should the board, selection committee or procurement official be unable to negotiate a satisfactory contract with the firm considered to be qualified, at a price determined to be fair and reasonable, negotiations will continue with other qualified firms until an agreement is reached.

(4) When the city has a satisfactory existing working relationship with a qualified firm for architectural or engineering services, the city may expand the scope of the services; provided, that they are within the technical competency of the existing firm, without exercising this section. (as added by Ord. #946, Nov. 2016)

## CHAPTER 5

### COLLECTION PROCEDURES

#### SECTION

- 5-501. City recorder authorized to collect.
- 5-502. Collection procedures.
- 5-503. Collection activities.

**5-501. City recorder authorized to collect.** The city recorder shall be authorized to employ any means allowed by the State of Tennessee to collect amounts due to the City of Sweetwater. The recorder is authorized to contract with third (3rd) party collection agencies and/or services to collect. (as added by Ord. #925, May 2015)

**5-502. Collection procedures.** Collection procedures are further specified as follows: If an overpayment is made, the amount may be credited to other outstanding bills owed to the City of Sweetwater as the law allows. (as added by Ord. #925, May 2015)

**5-503. Collection activities.** The City of Sweetwater reserves the right to begin collection activities which may include: thirty (30), sixty (60), or ninety (90) day notices, door hanger, referral to the consumer's credit file, referral to a third-party collection agency, and apply all collection fees to the debt, or legal action. (as added by Ord. #925, May 2015)

**TITLE 6****LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST****SECTION**

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Disposition of persons arrested.
- 6-106. Suspension of policemen.
- 6-107. Unlawful to resist or interfere with an arrest.
- 6-108. Summonses in lieu of arrest.

**6-101. Policemen subject to chief's orders.** All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1982 Code, § 1-603)

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

**6-103. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the chief may prescribe and shall carry a service pistol at all times while on duty. (1982 Code, § 1-606, modified)

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

- (1) Whenever they are in possession of a warrant for the arrest of the person.

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<sup>1</sup>Municipal code reference

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

(2) Whenever an alleged offense has been committed in the officer's presence by the person.

(3) Whenever a felony has been in fact committed and the officer has reasonable and probable cause to believe the person has committed it. (1982 Code, § 1-607)

**6-105. Disposition of persons arrested.** (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinances shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, with the ranking police officer on duty. If the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1982 Code, § 1-610, modified)

**6-106. Suspension of policemen.** The chief of police may suspend any policeman who violates or fails to comply with any of his lawful orders or who is found to be, or is reasonably suspected of being, derelict in the performance of his duties or guilty of such misconduct as will likely reflect discredit upon the city. The chief shall report any such suspension to the board at its next regular meeting for appropriate action. (1982 Code, § 1-604)

**6-107. Unlawful to resist or interfere with an arrest.** It shall be unlawful for any person to resist any officer making a lawful arrest or otherwise to interfere or attempt to interfere with or to incite or attempt to incite others to interfere with any arresting officer. (1982 Code, § 1-609)

**6-108. Summonses in lieu of arrest.** Pursuant to Tennessee Code Annotated, § 7-63-201, et seq., which authorizes the board to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control, fire, code enforcement, and animal control, the board designates the code enforcement officer to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summons notice of the charge against him, and state a specific date and

place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-105 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued.



## TITLE 7

### FIRE PROTECTION AND FIREWORKS<sup>1</sup>

#### CHAPTER

1. GENERAL PROVISIONS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. LIFE SAFETY CODE.

#### CHAPTER 1

#### GENERAL PROVISIONS

#### SECTION

7-101. Fire limits described.

**7-101. Fire limits described.** The fire limits of the city shall be as follows:

Fire district no. 1: Starting at the intersection of North Main and Biggs Streets and running thence with Biggs Street, where same intersects with Mayes Avenue and North High Street; thence along Sough High Street to a point one hundred (100) feet south of where same intersects with the West line of Bird Street; thence in a Southeastwardly direction passing a point three hundred (300) feet South of the intersection of South Oak and Bird Streets to a point one hundred (100) feet West of South Main Street; thence Southwardly and one hundred (100) feet from South Main Street to the South property line of Amos Atkins; thence East to the East line of South Main Street; thence along said line to Sweetwater Creek; thence along Sweetwater Creek to Heiskell Street (Walnut Street Bridge); thence Northwardly along Heiskell Street to where same intersects with Gilman Street; thence Southwardly along Gilman Street to the South line of the property of the Annis Realty Corp.; thence along said line Westwardly to the Main Line of the Southern Railway; thence along said line to the South Line of the dye house of the Sweetwater Hosiery Mill; thence Westwardly to North Main Street; thence along said street to the point of beginning.

Fire district no. 2: Shall be and include all areas within the corporate limits that are zoned commercial. (1982 Code, § 7-101, modified)

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Citizen hook-up to fire alarm system in city hall: title 9, chapter 8.

## CHAPTER 2

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

#### SECTION

- 7-201. Fire codes adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.
- 7-208. Modifications.

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,<sup>2</sup> 2018 edition, ("2018 IFC") as prepared and adopted by the International Code Council, including the provisions of the NFPA Code and the Life Safety Code,<sup>3</sup> published by the National Fire Protection Association, incorporated in the 2018 IFC, -- except any and all requirements for automatic fire sprinkler systems in one-family and two-family dwellings -- 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 2018 IFC has been filed with the city recorder and is available for public use and inspection. (Ord. #555, March 1984, modified, as amended by Ord. #777, Dec. 2005, and replaced by Ord. #998, June 2022 *Ch8\_08-05-24*)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the chiefs of the fire departments. They shall have the same powers as the state fire marshal. (1982 Code, § 7-202)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 36213.

<sup>3</sup>Copies of this code are available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

**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 Sweetwater, Tennessee. (1982 Code, § 7-203)

**7-204. Storage of explosives, flammable liquids, etc.** 1. The limits referred to in § 12.5(b) of the fire prevention code, in which storage of explosives and blasting agents is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

2. The limits referred to in § 16.61 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

3. The limits referred to in § 21.6(a) of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

4. The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (1982 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. (1982 Code, § 7-205)

**7-206. Variances.** The chief of the fire department may recommend to the mayor and 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 mayor and board of commissioners. (1982 Code, § 7-206)

**7-207. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code hereby 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 mayor and 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. (1982 Code, § 7-207)

**7-208. Modifications.** The fire code is hereby amended as follows:

1. Fireworks. Article 13 of the fire code is deleted and replaced by the following:

a. Fireworks defined. Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, sky rockets, roman candles, cherry bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps, and toy pistols, toy canes, toy guns, or other devices for use of such caps, the sale and use of which shall be permitted at all times.

b. Manufacture, sale and discharge. i. The sale of fireworks within the corporate limits is permitted along designated areas near Interstate 75.

ii. The chief of the fire department shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the chiefs of the police and fire departments of the municipality, and shall be of such a character, and so located, discharged or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or persons.

iii. Application for permits shall be made in writing at least fifteen days in advance of the date of the display. After such privilege shall have been granted, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

c. Responsibility for fireworks display. The permittee shall be held responsible for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and rising from any acts of the permittee, his agents, employees or subcontractors.

d. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is conclude shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

e. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale of use of blank cartridges

for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

f. Seizure of fireworks. The chief of the fire department or any police having knowledge thereof shall seize, take, remove, or cause to be removed at the expense of the owner all stocks or fireworks offered or exposed for sale, stored, or held in violation of this chapter.

2. Explosives. a. § 12.2(h) is deleted and replaced as follows:

Explosives shall include any combustible or explosive composition or any substance or combination of substances, or article prepared for the purpose of producing an explosion, and shall include detonator, detonator caps, TNT, nitro or nitrocellulose compounds, plastic charges or cements. This section shall not apply to firearms, ammunition, or gun powder.

b. The following new sections are added to article 12 of the fire code:

12.7 Manufacture, sale of explosives. The manufacture of explosives is prohibited within the city. It shall be unlawful for any person to store, offer for sale, sell at retail, or activate any explosive device without proper notification of chiefs of police and fire departments, whereas reasonable rules, storage locations, and proper safeguards may be maintained.

12.8 Seizure of explosives. The chiefs of the fire and police departments shall seize, take, remove or cause to be removed at the expense of the owner any devices that in their opinion pose a hazard, or that is held in violation of this code. (1982 Code, § 7-208)

## CHAPTER 3

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

#### SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Chief to be assistant to state officer.
- 7-308. Physical examination required.
- 7-309. Fire equipment, etc., to be property of city.
- 7-310. Chief's general powers and duties.
- 7-311. Destruction of property.
- 7-312. Power of fireman.
- 7-313. Acceptance of buildings, etc., to be burned etc., or for training purposes.

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department composed of both regular and volunteer members, to be supported and equipped by the City of Sweetwater, headed by a chief with an annual salary as prescribed by the board. Said chief is to be appointed by the board, and in addition to the duties provided herein, shall perform such other duties as the board may prescribe. (1982 Code, § 7-301, modified)

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

1. To prevent uncontrolled fires from starting.
2. To prevent the loss of life and property because of fires.
3. To confine fires to their places of origin.
4. To extinguish uncontrolled fires.
5. To prevent loss of life from asphyxiation or drowning.
6. To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1982 Code, § 7-302)

**7-303. Rules, and regulations.** The fire department and the members thereof shall be subject to such administrative and disciplinary rules and regulations as the chief and fire department commissioner shall prescribe and the board shall approve. At no time shall the rules of the department supersede

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<sup>1</sup>Municipal code reference

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

or be in conflict with the municipal code of ordinances. Two copies shall be filed with the recorder and one copy shall be placed on permanent display at the fire halls. (1982 Code, § 7-305)

**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 as requested by the mayor or mayor and board of commissioners. (1982 Code, § 7-308)

**7-305. Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the mayor and board of commissioners. The mayor, fire commissioner, or the chief shall have the authority to suspend other members of the fire department when he deems such action to be necessary for the good of the department. Appropriate hearings shall be scheduled as soon as possible by the mayor. All personnel of the fire department shall receive such compensation for their services as the mayor and board of commissioners may from time to time prescribe. (1982 Code, § 7-309)

**7-306. Chief responsible for training.** The chief of the fire department shall be responsible for the training of the firemen and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month and/or attend organized training sessions. (1982 Code, § 7-310)

**7-307. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1982 Code, § 7-311)

**7-308. Physical examination required.** No person shall be employed by the city as a fireman unless he or she has passed a physical examination the requirements of which may be from time to time established by the mayor and board of commissioners by resolution. (1982 Code, § 7-302)

**7-309. Fire equipment, etc., to be property of city.** All fire apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. (1982 Code, § 7-303)

**7-310. Chief's general powers and duties.** The chief of the fire department shall be responsible for and shall have general control and supervision of all members of the fire department. He shall see that all the fire prevention and fire protection activities of the city are efficiently carried out and that all applicable fire regulations are observed within the city. (1982 Code, § 7-306)

**7-311. Destruction of property.** During the progress of any fire, the fire department may remove or destroy any property necessary to prevent the further spread of the fire. The chief or acting commander is the only person authorized to make this judgment. All restraint must apply. (1982 Code, § 7-312)

**7-312. Power of firemen.** Firemen shall have the same traffic enforcement authority as policemen of the city while going to and attending fires and for the purpose of enforcing fire prevention regulations and protecting fire fighting apparatus, equipment, and facilities. (1982 Code, § 7-313)

**7-313. Acceptance of buildings, etc., to be burned, etc., or for training purposes.** The mayor and the chief of the fire department may accept property, buildings, and other structures for and on behalf of the city to be used for burning to improve the city's appearance and/or training by the city fire department.

Before the mayor and fire chief accept said property, the chief of the fire department will make an investigation as to whether said building or property can be burned safely. If the fire chief determines that the property can be so removed, then the mayor and the chief of the fire department may accept the gift of said property by letter or written acceptance of said property. Said acceptance letter will state that the owner will save and hold harmless the city of and from any damages, claims, and causes of action that may result from the city fire department burning, and/or using said donated property for training purposes and that the city will defend any action and claim that may be brought against the property owner as a result of any claim arising out of the burning or using of the property by the City of Sweetwater. (1982 Code, § 7-313)



## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Restrictions on fire service outside city limits.

**7-401. Restrictions on fire service outside city limits.** No personnel or equipment of the fire department shall be used for fighting any fire outside the city limits unless the fire is on city property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the city as to endanger the city property, or unless the mayor and board of commissioners has developed policies for providing emergency services outside of the city limits or entered into a contract or mutual aid agreement pursuant to the authority of

1. Tennessee Code Annotated, § 12-9-101, et seq.<sup>1</sup>
2. Tennessee Code Annotated, § 6-54-601.<sup>2</sup>

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 12-9-101, et seq., is the Interlocal Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with industrial fire departments, to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance. (3) Provide fire protection outside their city limits to either citizens on an individual contractual basis, or to citizens in an area without individual contracts, whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided. (Counties may compensate municipalities for the extension of fire services.)

3. Tennessee Code Annotated, § 58-2-111(c).<sup>1</sup>

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 58-2-111(c) authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

## CHAPTER 5

### LIFE SAFETY CODE

#### SECTION

- 7-501. Life safety code adopted.
- 7-502. Available in recorder's office.
- 7-503. Violations and penalties.

**7-501. Life safety code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing the construction, protection, and occupancy features necessary to minimize danger in life from fire, including smoke, fumes, or panic, the Life Safety Code (NFPA No. 101) 2009 edition including Annex A and Annex B, as recommended by the National Fire Protection Association, is hereby adopted by reference and included as a part of this code. (as added by Ord. #898, June 2013)

**7-502. Available in recorder's office.** Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the Life Safety Code has been filed with the city clerk and is available for public use and inspection. The Life Safety Code is adopted and incorporated as full as if set out at length herein and shall be controlling within the corporate limits. (as added by Ord. #898, June 2013)

**7-503. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Life Safety Code herein adopted, or fail to comply therewith. The violation of any section of this chapter shall be punishable under the general penalty provisions of this code. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. (as added by Ord. #898, June 2013)

**TITLE 8****ALCOHOLIC BEVERAGES****CHAPTER**

1. LIQUOR STORES.
2. BEER.
3. WINE IN RETAIL FOOD STORES.

**CHAPTER 1****LIQUOR STORES****SECTION**

- 8-101. Definitions.
- 8-102. Selling and distributing generally.
- 8-103. Licenses required for sale of alcoholic beverages at retail.
- 8-104. Licensee responsible for officers and agents.
- 8-105. Location of liquor store.
- 8-106. Limitations on building containing liquor store.
- 8-107. Restrictions generally.
- 8-108. Fees.
- 8-109. Records kept by licensee.
- 8-110. Inspections generally.
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- 8-119. Deleted.
- 8-120. Effect.

**8-101. Definitions.** Whenever used in this title, the following terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent (5%) by weight or less. Alcoholic beverages also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled

alcohol irrespective of alcoholic content. Products or beverages, including beer, containing less than one-half percent (1/2%) alcohol by volume, other than wine as defined in this section, shall not be considered alcoholic beverage and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

(2) "Applicant" means a person applying for a liquor store privilege license or a certificate of compliance, as the context provides.

(3) "Applicant group" means more than one (1) person joining together to apply for a local liquor store privilege license or certificate of compliance, as the context provides, to operate a single liquor store pursuant to the same application.

(4) "Application" means the form or forms or other information an applicant or applicant group is required to file with the city in order to attempt to obtain a local liquor store privilege license or certificate of compliance, as the context provides.

(5) "Certificate of compliance" means the certificate required in Tennessee Code Annotated, § 57-3-208, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this chapter for issuance of such a certificate.

(6) "City" means the City of Sweetwater, Tennessee.

(7) "Co-licensees" means persons who together hold a single liquor store privilege license for a single liquor store.

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

(9) "Inspection fee" means the monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

(10) "License fee" means the annual fee a licensee is required by this chapter to pay prior to the time of the issuance of a local liquor store privilege license or certificate of compliance. In the event co-licensees holding a local liquor store privilege license for a single liquor store, only one (1) license fee is required.

(11) "Licensee" means the holder or holders of a local liquor store privilege license. In the event of co-licensees, each person who receives a certificate of compliance and liquor store privilege license shall be a licensee subject to rules and regulations herein.

(12) "Liquor store" means the building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

(13) "Local liquor store privilege license" means a local liquor store privilege license issued under the provisions of this chapter for the purpose of authorizing the holder or holders thereof to engage in the business of selling alcoholic beverages at retail in the city at a liquor store. Such a local liquor store privilege license will only be granted to a person or persons who has or have a valid state liquor retailer's license. One (1) local liquor store privilege license is necessary for each liquor store to be operated in the city.

(14) "Manufactured building" means a structure, transportable in one (1) or more sections, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation.

(15) "Person" means any natural person as well as any corporation, limited liability company, partnership, firm or association or any other legal entity recognized by the laws of the State of Tennessee.

(16) "Retail sale" and "sale at retail" means the sale to a consumer or to any person for any purpose other than for resale.

(17) "State law, rules and regulations" means all applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may hereafter be changed including, without limitation, the local option liquor rules and regulations of the Tennessee Alcoholic Beverage Commission.

(18) "State liquor retailer's license" means a license issued by the Alcoholic Beverage Commission of the State of Tennessee pursuant to Tennessee Code Annotated, § 57-3-201, et seq. permitting its holder to sell alcoholic beverages at retail in Tennessee.

(19) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

(20) "Wine" means the product of normal alcoholic fermentation of juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. (1982 Code, § 2-101, as replaced by Ord. #872, July 2011)

**8-102. Selling and distribution generally.** It shall be unlawful for any person to engage in the business of selling or distributing alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57 and by the rules and regulations promulgated thereunder and as provided under this title. (as added by Ord. #872, July 2011)

**8-103. Licenses required for sale of alcoholic beverages at retail.** It shall be lawful for a licensee to sell alcoholic beverages at retail in a liquor store provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this chapter

and provided that such licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued local liquor store privilege license from the city permitting him or her to sell alcoholic beverages at retail. Transfer of ownership or possession of any alcoholic beverage by a licensee in any manner other than by retail sale is prohibited. (as added by Ord. #872, July 2011)

**8-104. Licensee responsible for officers and agents.** Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee, and acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee. (as added by Ord. #872, July 2011)

**8-105. Location of liquor store.** It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the city unless at a location approved by board of commissioners. All such stores shall be located within a commercial district as appears on the official zoning map. Moreover, in no event shall such store be located within one hundred feet (100') of any hospital, school, church, Engleman Park or the city recreation center. With respect to establishing the proximity of any hospital, school or church from the location of a proposed liquor store, the distance of one hundred feet (100') is to be measured along a straight line from the nearest point on the hospital building, school building, or church building to the front door of the proposed liquor store. With respect to establishing the proximity of Engleman Park or the city recreation center from the location of a proposed liquor store, the distance of one hundred feet (100') is to be measured from the nearest point on the property line of said park to the front door of the proposed liquor store. No liquor store shall be located where the operation of a liquor store at the premises contemplated by an application would unreasonably interfere with public health, safety or morals. (as added by Ord. #872, July 2011)

**8-106. Limitations on buildings containing liquor store.** All liquor stores shall be a permanent type of construction in a material and design approved by the board of commissioners. No liquor store shall be located in a manufactured or other movable or prefabricated type of building. All liquor stores shall have night light surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The liquor store display area shall be at least one thousand two hundred (1,200) square feet. Full, free and unobstructed vision shall be afforded to and from the street, public highway or parking lot to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, land use, building and safety regulations, as adopted

within the Sweetwater Municipal Code, unless specifically stated otherwise herein. (as added by Ord. #872, July 2011)

**8-107. Restrictions generally.** (1) Certain devices and non-employee seating forbidden. No pinball machines, arcade gaming devices, including video games, jukeboxes or similar devices shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.

(2) Time and days of operation. No liquor store shall be open and no licensee shall sell or give away any alcoholic beverage on any Sunday. On other days, no liquor store shall be open and no licensee shall sell or give away any alcoholic beverage before eight o'clock in the morning (8:00 A.M.) Or after eleven o'clock at night (11:00 P.M.). No liquor store shall be open for business on Thanksgiving, Christmas, New Year's Day, Labor Day or the Fourth of July.

(3) Selling or furnishing to person(s) below the age of twenty-one (21) years, etc. It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a person below the age of twenty-one (21) years or to a person visibly intoxicated. It shall be unlawful for such person to enter or remain in a liquor store (except that employees with appropriate employee permits issued pursuant to state law who are age eighteen (18) years and older are permitted in a liquor store for the purpose of engaging in paid employment only) or to loiter in the immediate vicinity of a liquor store. It shall be unlawful for a person below the age of twenty-one (21) years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee.

(4) Consumption on premises of liquor store. It shall be unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person who is not an employee of the liquor store to consume any alcoholic beverage in the liquor store or in the immediate vicinity of the liquor store. Any consumption of an alcoholic beverage by an employee shall be limited solely to the circumstances permitted and set forth in the Rules of the Tennessee Alcoholic Beverage Commission and any applicable federal law.

(5) Advertising. There shall be no advertising signs of any kind whatsoever outside the building containing a liquor store either for the liquor store or to advertise any matter pertaining to alcoholic beverages sold at liquor stores except as set forth herein. One (1) wall sign shall be permitted on the side of the building which fronts upon a public street and one (1) wall sign shall be permitted on the side of the building which faces upon a customer parking area. There shall be a maximum of two (2) wall signs. Such wall signs are permitted a total area of one (1) square foot per each linear foot of building wall upon which the sign is mounted, not to exceed seventy-five (75) square feet. Such signs shall not extend from the wall more than twelve inches (12"). No such sign



shall contain letters of neon or tube lighting so as to produce lighting within letters. Back lighting or internal illumination of a sign is permitted. No reader board or changeable copy signs shall be permitted. One (1) freestanding ground sign which complies with the zoning ordinance sign regulations shall be permitted on the premises. No banner or temporary or permanent sign or other material shall be placed on or inside a liquor store so that it obstructs free and clear vision of the interior of the liquor store from outside of the liquor store. The foregoing notwithstanding, one (1) banner advertising the grand opening of the liquor store shall be permitted for up to two (2) weeks when a liquor store is first opened for business provided a sign permit for such banner is obtained from the city. Liquor stores located within the historic district shall comply with the historic district sign requirements. (as added by Ord. #872, July 2011, and amended by Ord. #939, July 2016)

**8-108. Fees.** (1) Amounts generally. There is hereby levied on each licensee an inspection fee of five percent (5%) on the gross purchase price of any alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source.

(2) Collection. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee. Payment of all such records shall be preserved for a period of at least fifteen (15) months unless the city recorder gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one (1) set of records per liquor store satisfies the requirements of this part.

(3) Reports. The city recorder shall prepare and make available to each wholesaler and other source vending alcoholic beverages to licensees sufficient forms for the monthly report of inspection fees payable by such licensee making purchase from such wholesaler or other source. Such wholesaler shall timely complete and return the forms and the required information and inspection fees within the time specified therein.

(4) Failure to pay fees. The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole discretion of the city recorder, be cause for suspension of the offending licensee's local liquor store privilege license for as much as thirty (30) days and, at the sole discretion of the board of commissioners, be cause for revocation of such local liquor store privilege license. Each such action may be taken by giving written notice thereof to the licensee, no hearing with respect to such an offense being required. If a licensee has his or her license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal, the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for

a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee.

(5) Use of fees. All funds derived from inspection fees imposed herein shall be used to defray expenses in connection with the enforcement of this title, including particularly the payment and compensation of officers, employees, and other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this title are observed. The board of commissioners finds and declares that the amount of these inspection fees is reasonable, and that the funds expected to be derived from these inspection fees will be reasonably required for such purposes. (as added by Ord. #872, July 2011, and amended by Ord. #880, May 2012)

**8-109. Records kept by licensee.** (1) Required records. In addition to any records specified in the state rules and regulations, each licensee shall keep on file, at such licensee's liquor store, the following records:

(a) The original invoices of all alcoholic beverages bought by the licensee;

(b) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;

(c) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales; and

(d) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved and the name of the person or persons receiving the same.

(2) Duration. All such records shall be preserved for a period of at least fifteen (15) months unless the city recorder gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding single license, one (1) set of records per liquor store satisfies the requirements of this part. (as added by Ord. #872, July 2011)

**8-110. Inspections generally.** The city recorder, the city finance director, the chief of police or the authorized representative or agents of any of them are authorized to examine the premises, books, papers and records of any liquor store at any time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending licensee. (as added by Ord. #872, July 2011)

**8-111. Enforcement, violations and penalties.** Any violation of the provisions of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine of not less than fifty dollars (\$50.00). Upon

conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify such conviction, whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission, together with a petition that all licenses be revoked, pursuant to Tennessee Code Annotated, § 57-3-101, et seq., and the rules and regulations of said commission. (as added by Ord. #872, July 2011)

**8-112. Certificate of compliance.** As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage commission, board of commissioners may authorize the issuance of certificates of compliance by the city according to the terms contained herein. (as added by Ord. #872, July 2011)

**8-113. Application.** (1) Filing and content. An applicant or applicant group for a liquor store shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the board of commissioners or city recorder may require:

(a) The name and street address of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the information on the application provided by the city;

(b) The name of the liquor store proposed;

(c) The address of the liquor store proposed and its zoning designation;

(d) A statement that the persons receiving the requested license to the best of their knowledge if awarded the certificate of compliance could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city; and

(e) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the rules and regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of the regulations, inspection fees, and taxes provided in this title with reference to the sale of alcoholic beverages.

(2) Further determination. The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the Tennessee Alcoholic

Beverage Commission in connection with the same application and shall be accompanied by five (5) copies of a scale plan drawn to a scale of not less than one inch equals twenty feet (1" = 20') giving the following information:

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

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

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

(d) The identification of every parcel of land within one hundred feet (100') of the lot upon which the liquor store is to be operated indicating the ownership thereof and the location of any structures thereon and the use being made of every such parcel.

(3) Signature(s). The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, stockholder or otherwise.

(4) Misrepresentation, concealment of fact and duty to amend. If any applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application form or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group, or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by the board of commissioners. Further, no sale, transfer or gift of any interest of any nature, either financial or otherwise, in a liquor store shall be made without first obtaining a replacement license from the city upon the approval of the board of commissioners.

(5) Investigation fee. Each application for a local liquor store privilege license shall be accompanied by a non-refundable five hundred dollar (\$500.00) investigation fee. Each request for a certificate of compliance shall be accompanied by a non-refundable one hundred dollar (\$100.00) investigation fee. One (1) investigation fee per applicant group is sufficient. (as added by Ord. #872, July 2011 and amended by Ord. #923, March 2015)

**8-114. Consideration.** In issuing certificates of compliance sufficient for licensing liquor stores in the city permitted by this chapter, the board of commissioners will consider all applications filed after publication, at applicant's expense, in a newspaper of general circulation in Monroe County, Tennessee, of the notice required by Tenn. Comp. R. & Regs. 0100-03-.09(10)-(11). The board of commissioners will select from such applications the persons deemed by it in its sole discretion to have qualifications required by law and suitable circumstances for the lawful operation of a liquor store without regard to the time or order in which the applications are filed. Such persons and only such persons shall receive certificates of compliance issued by the city. Rejected

applications expire upon rejection, but they will be kept by the city for reference in the event of later application by the same applicant. Applications can only be submitted to the city during the time frame the board of commissioners sets forth for receipt of such applications. Applications and all matters submitted with or as a part of such applications become at the time they are submitted the sole and exclusive property of the city and constitute public records open to public inspection. (as added by Ord. #872, July 2011, and amended by Ord. #923, March 2015)

**8-115. Restrictions upon issuance.** (1) Certificates of compliance. The board of commissioners shall not issue a certificate of compliance unless the applicant has complied with all the requirements of state liquor statutes, the Rules and Regulations of the Alcoholic Beverage Commission, Tenn. Comp. R. & Regs. 0100-03 and this chapter, and license approval by the Tennessee Alcoholic Beverage Commission is pending.

(2) No violations of chapter. No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this chapter.

(3) Prerequisites of issuance. The city recorder upon approval of the board of commissioners shall not sign any certificate of compliance for any applicant or applicant group until:

(a) Such application has been filed with the city recorder;

(b) The notice required by Tenn. Comp. R. & Regs. 0100-03-09(10)-11) has been published and the public hearing noticed therein has been conducted;

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

(d) The application has been considered at a public meeting of the board of commissioners and approved by a vote of at least three (3) members thereof.

(4) Time periods for action. Any applicant or applicant group who has obtained a certificate of compliance as provided herein must open a liquor store in the city within six (6) months or, unless an extension is granted by board of commissioners, said certificate will be revoked by the passage of this amount of time and a certification thereof will be sent to the Alcoholic Beverage Commission of the State of Tennessee and the local liquor license issued pursuant to such application shall be considered canceled and revoked. (as added by Ord. #872, July 2011)

**8-116. Deleted.** (as added by Ord. #872, July 2011, and deleted by Ord. #958, Feb. 2018)

**8-117. Restrictions on local liquor retailer's licenses.** (1) Number of licenses. There shall be no limit on the number of local liquor retailers' licenses for the sale of alcoholic beverages at liquor stores which may be issued under this chapter.

(2) Term renewal. Each license shall expire on December 31 of each year. A license shall be subject to renewal each year by compliance with all applicable federal statutes, state statutes, state rules and regulations and the provisions of this chapter.

(3) Display. A licensee shall display and post and keep displayed and posted his or her license in a conspicuous place in the licensee's liquor store at all times when any activity or business authorized thereunder is being done by the licensee.

(4) Transfer. A licensee or co-licensee shall not sell, assign or transfer his or her license or any interest therein to any other person. No license shall be transferred from one (1) location to another location without the express permission of the board of commissioners. (as added by Ord. #872, July 2011, and amended by Ord. #958, Feb. 2018)

**8-118. Deleted.** (as added by Ord. #872, July 2011, amended by Ord. #923, March 2015, and deleted by Ord. #958, Feb. 2018)

**8-119. Deleted.** (as added by Ord. #872, July 2011, and deleted by Ord. #958, Feb. 2018)

**8-120. Effect.** The ordinance comprising this chapter shall take effect upon adoption, the public welfare requiring it. (as added by Ord. #872, July 2011)

## CHAPTER 2

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

#### SECTION

- 8-201. Definitions.
- 8-202. Beer business lawful but subject to regulation.
- 8-203. Beer board.
- 8-204. Permit and conditions required for engaging in beer business.
- 8-205. Privilege tax.
- 8-206. Interference with public health, safety, and morals prohibited.
- 8-207. Restriction as to location of beer places.
- 8-208. Public record.
- 8-209. Effect of false statements in application.
- 8-210. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-211. Action of beer board on application for permit.
- 8-212. Permit not transferrable.
- 8-213. Beer permits restrictive.
- 8-214. Prohibited conduct or activities by beer permit holders.
- 8-215. Prohibited conduct or activities by beer permit holders.
- 8-216. Hotels, clubs, lodges, etc.
- 8-217. Enforcement by police.
- 8-218. Grounds and procedure for suspension and revocation of beer permits.
- 8-219. Adoption of the Tennessee Responsible Vendor Act.
- 8-220. Open beverage containers prohibited.
- 8-221. Deleted.

**8-201. Definitions.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise:

(1) "Beer". Beer, ale or other malt beverages, or any other beverage having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101; provided, however, that no more than forty nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol. (If the statutory definition of "beer" in Tennessee Code Annotated, § 57-5-101 changes, the statutory definition shall govern.)

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<sup>1</sup>The provisions of this chapter regarding beer also apply to wine and intoxicating liquors when the TABC has issued a special occasion license. For provisions related to wholesale beer tax see Title 5, Chapter 3.

(2) "Caterer permit". A permit issued for the retail sale of beer by a caterer who operates a permanent catering hall on an exclusive basis, has a complete and adequate commercial kitchen facility, and is licensed as a caterer by the Tennessee Department of Health, unless the catering hall is licensed as a restaurant. The caterer must provide food at any catered event.

(3) "Convenience store". A store that maintains an inventory of basic food items such as luncheon meats, snack items, milk products, bread products, and canned goods.

(4) "Craft beer enterprise". A craft beer business whose primary business is the retail sale of craft beer for consumption on the premises and/or off the premises. Said craft beer establishment shall have a seating capacity of at least twenty (20) people.

(5) "Craft beer". Beer manufactured by breweries with an annual production of six million (6,000,000) barrels or less.

(6) "Drug store". A business whose primary business is the sale of prescription drugs and associated items.

(7) "Full line grocery store". A store that maintains an inventory of staple food items, including fresh meats, vegetables, produce, and fruits.

(8) "Festival permit". A permit issued for retail sale of beer for consumption in the Downtown Festival District during an officially sanctioned celebration.

(9) "Growler". A refillable rigid glass, plastic, aluminum or stainless steel container with a flip-top or screw-on lid that is no larger than two (2) liters (0.5283 gallons) into which craft beer or microbrewery beer is pre-filled, filled or refilled for off-premises consumption.

(10) "Limited service restaurant permit". A permit issued for the retail sale of beer for consumption on the premises of a restaurant that has gross revenue food sales of less than fifty percent (50%) of its total revenues. The limited service restaurant shall have a seating capacity of at least forty (40) people at tables and shall have a menu of prepared food available to patrons.

(11) "Microbrewery". A small brewery and/or restaurant engaged in the manufacture of beer or alcoholic content of not more than eight percent (8%) by weight, and which sells the aforesaid beer for consumption on the premises and/or off the premises, provided that the aggregate sales shall not exceed twenty five thousand (25,000) barrels of beer annually. Said micro brewery shall have a seating capacity of at least forty (40) people.

(12) "Nonprofit club/organization". A corporation which has been recognized as exempt from federal taxes under Section 501(c) of the Internal Revenue Code for two (2) consecutive calendar years, is organized and in good standing under the laws of the State of Tennessee, and is not for profit, but is solely for the promotion of some common object of fellowship, recreation and other nonprofit purposes other than the sale and consumption of beverages containing alcohol.



(13) "Off-premises permit". A permit issued for the retail sale of beer for consumption off the premises of the permittee.

(14) "On-premises permit". A permit issued for the retail sale of beer for consumption on the premises of the permittee.

(15) "On- and off-premises permit". A permit issued for the retail sale of beer for consumption on and off the premises of the permittee in which the business is a microbrewery as defined in this chapter.

(16) "Package liquor stores". Liquor stores that are licensed by the Tennessee Alcoholic Beverage Commission ("TABC") and authorized by the TABC to also sell beer.

(17) "Permit". The permit required or issued pursuant to this chapter, and "permittee" thus means any person, firm, or corporation to whom such permit has been issued pursuant to this chapter.

(18) "Restaurant". Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and a seating capacity of at least forty (40) people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Said restaurant should serve at least one (1) meal per day at least four (4) days per week, with the exception of holidays, vacations and periods of redecorating. The serving of such meals shall be the principal business conducted (revenue sales from food must exceed fifty percent (50%), except where the restaurant is located in a hotel or motel which provides at least thirty (30) rooms or suites for guests, in which case, the restaurant business may be secondary to the hotel or motel business). In no case shall beer be sold at times other than when meals are being served.

(19) "Special occasion permit". A permit issued for the retail sale of beer by a bona fide charitable or non-profit organization, or a bona fide political organization for a twenty four (24) hour period. The charitable/non-profit organization must have been in existence for at least two (2) consecutive calendar years and must expend at least sixty percent (60%) of its gross revenue for religious, educational or charitable purposes. The political organization must be either a political campaign committee as defined in Tennessee Code Annotated, § 2-10-102(a) or a political party as defined in Tennessee Code Annotated, § 2-13-101. Said permits cannot be issued more than twelve (12) times in a calendar year to the same organization. These permits may be issued for private property and limited areas approved by the beer board on application by application basis.

(20) "Temporary permit". A permit that may be issued by the city recorder or their designee, to allow the continued sale of beer at a location which presently has a valid permit. Said permit may be issued in order to allow a new application to be administratively processed and considered by the beer board. The applicant for said permit shall meet all requirements set forth in these

ordinances, and the temporary permit shall not be issued for more than thirty (30) days. The city recorder or their designee, shall be entitled to immediately revoke said temporary permit upon discovering any violation of this chapter. (1982 Code, § 2-201, as replaced by Ord. #1009, March 2023, and amended by Ord. #1022, June 2023 *Ch8\_08-05-24*)

**8-202. Beer business lawful but subject to regulation.**<sup>1</sup> The transportation, storage, sale, distribution, possession, and/or manufacture of beer, ale or other malt beverages, or any other beverage having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101, shall be lawful within the corporate limits of Sweetwater, Tennessee, but subject to the regulations hereinafter set out and provided. (1982 Code, § 2-202, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-203. Beer board.** (1) Board established. There is hereby established a beer board to be composed of the members of the city commission. The mayor shall be the chairperson. All members of the beer board shall serve without compensation.

(2) Meetings of the beer board. All meetings of the beer board shall be open to the public. The board, when there is business to conduct, shall hold regular meetings in the city hall immediately prior to or following regular city commission meetings. Special meetings may be called by the chairman provided he gives a reasonable notice thereof to each member.

Special meetings may also be called by a majority of the board members, who also shall give reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place.

(3) Record of proceedings to be kept. The city 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 elate of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

(4) Requirements for 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

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<sup>1</sup>State Law reference -- For a leading ease on a municipality's authority to regulate beer, see Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982); and Wood v. Decatur Cty., Tenn., 2014 Tenn. App. LEXIS 510 (Tenn.Ct.App. Aug. 25, 2014).

member present but not voting shall be deemed to have cast a "nay" vote. Applicants for beer permits shall appear in person before the board will consider their application.

(5) Beer board powers and duties. The beer board shall have the power, and it is hereby directed to, regulate the giving away, selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. The beer board shall have the power to deny, suspend or revoke any beer permit issued under the provisions of this chapter when the applicant's representations fail to qualify for a permit, the applicant is guilty of making a false statement or misrepresentation in their application or of violating any of the provisions of this chapter. (Ord. #653, Sept. 1993, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-204. Permit and conditions required for engaging in beer business.** Subject to Tennessee Code Annotated, § 57-5-103, it shall be unlawful for any person to giveaway, sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board.

(1) Application. The beer board shall adopt by resolution the application form for a beer permit. Each application shall be furnished pursuant to Tennessee Code Annotated, § 57-5-103, and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00) for every beer permit type, except that a special occasion permit fee shall be fifty dollars (\$50.00) plus any other requisite fees pertaining to the acquisition of the permit. Said fee shall be in cash or equivalent payable to the City of Sweetwater. The applicant shall fully and truthfully complete each portion of the application.

(2) Character. No permit will be issued by the city unless the applicant is a person of good moral character, and he must certify that he has read and is familiar with the provisions of this chapter.

(3) Public notice. At least ten (10) days prior to being considered by the beer board, an announcement in a newspaper of general circulation must appear stating the name of the applicant, the type of permit desired, and the address of the premise at which the permit is desired.

(4) Expired license. A permit is void at midnight of the day a permit holder ceases business for which the permit was granted and must be surrendered to the city recorder's office within five (5) working days.

(5) New premises. If application is being made for an establishment that has not been constructed or is under construction, a complete site plan and floor plan must be submitted with the application. The plans must provide a description of the entire premises, including open and parking areas available to and for the use of the business. If construction is not commenced within six (6) months or is not completed within eighteen (18) months from the date of approval of the beer permit; or if after completion of the construction, the facility differs materially from the submitted plans or violates any provisions of this

chapter in effect at the time of approval of the permit, any permit issued for the facility becomes immediately void.

(6) Permit displayed. Each holder of a beer permit shall display and keep displayed said permit in a conspicuous place on the premises where they are authorized by that permit to conduct business. A permit is not transferable.

(7) Permits available. An applicant can apply for the following types of permits: caterer permit, limited service restaurant permit, restaurant permit, off-premises permit, on-premises permit, on- and off-premises permit, festival permit, special occasion permit, and a temporary permit. (See definitions of each in § 8-201 above.)

(8) Premises subject to inspection. The premises for which an applicant desires a beer permit shall be inspected by all necessary inspection officers of the city.

(9) Single location. A beer permit shall be valid for only a single location except as provided in subsection (12) below, and cannot be transferred to another location.

(10) Multiple businesses in same building. Where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may in their discretion operate some or all such businesses pursuant to the same permit.

(11) Notification of change of circumstance. Upon receiving approval and a permit from the beer board, the permit holder shall immediately notify the city recorder or their designee of any change in business ownership, management, relocation of the business, changes in the business' name, or termination of the business. Failure to notify the city within five (5) days of any of these changes shall be grounds to cite the permit holder to the beer board to show cause why the permit should not be suspended or revoked,

(12) Notification of change of purpose. After receiving a permit from the beer board, if the permit holder's business or purpose for the permit changes such that the current permit (see definitions for types of permits) no longer applies to the permitted business or purpose, the permit holder shall immediately notify the city recorder or their designee. The permit holder will then be required to submit a new application for the proper type of beer permit for the business. During this revised application process, a temporary permit may be issued. Wood v. Decatur Cty. Tenn., 2014 Tenn. App. LEXIS 510 (Tenn.Ct.App. Aug. 25, 2014.) (Ord. #653, Sept. 1993, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-205. Privilege tax**. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 2023, and each successive January 1, to the City of Sweetwater, 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. (1982 Code, § 2-204, as replaced by Ord. #786, April 2006, and Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-206. Interference with public health, safety, and morals prohibited.** No permit or license authorizing the storage, sale, distribution or manufacturing of beer will be issued when such businesses would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering as specifically enumerated in § 8-206, or would otherwise interfere with the public health, safety and morals. (1982 Code, § 2-205, as replaced by Ord. #786, April 2006, amended by Ord. #928, June 2015, and replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-207. Restriction as to location of beer places.** (1) Minimum distance. In no event will a permit be issued authorizing the storage, sale or manufacture of beer for on-premise consumption or for off-premise consumption/package sales within one hundred feet (100') from a building used:

(a) As a church, provided a church service is held at the premises at least on one (1) day of each week; or

(b) As a public or private school, licensed and accredited by the State of Tennessee to provide and is providing a pre-kindergarten, kindergarten, elementary or secondary education to students at the building, except such designation shall not include home schools conducted at a residence.

(2) Measurement. The distances herein set forth shall be measured in a straight line between the nearest corner of the building proposed to sell, store or manufacture beer and the nearest corner of the building from which there must be a minimum distance.

(3) Currently approved locations excused. The requirements set forth above shall not affect those businesses which have valid permits on the date of the passage of this chapter and further would not affect said locations if they should change ownership in the future unless there is a change in the nature of use following the surrender of an existing valid permit.

(4) Prohibited locations. In no event shall any permit, other than a special occasion permit or festival permit, be issued authorizing the storage, sale or manufacture of beer to a permit holder within one hundred feet (100') of the following specifically enumerated public gathering places nor shall a temporary vendor permit be allowed in any city park, recreation complex or facility or any other public property other than public streets. (1982 Code, § 2-207, as replaced by Ord. #1009, March 2023, and amended by Ord. #1022, June 2023 *Ch8\_08-05-24*)

**8-208. Public record.** All applications shall be kept on file by the beer board in the office of the recorder and shall be available for inspection by the general public. thereafter. (1982 Code, § 2-208, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-209. Effect of false statements in application.** Any application for a beer permit containing a false statement shall be denied. Any person making any false statement in their application, discovered after issuance of a beer permit, shall forfeit their beer permit. Any person making a false statement in their application shall not be eligible to apply for or receive another beer permit for a period of ten (10) years thereafter. The beer board may allow applications containing inadvertent misrepresentations to be withdrawn or amended prior to the beginning of the hearing on the application, but not thereafter. (1982 Code, § 2-209, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-210. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance or controlled substance analogue, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the business for which application is being made shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance or controlled substance analogue or any crime involving moral turpitude within the past ten (10) years. (1982 Code, § 2-210, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-211. Action of beer board on application for permit.** Upon the submission of a written application for a beer license to the city recorder, submission of said application for approval by the city recorder, chief of police, codes enforcement officer and city attorney, payment of all fees and privilege taxes, and posting a five hundred dollar (\$500.00) bond conditioned upon their continuing to pay applicable privilege taxes and fines assessed for violations of this chapter, said application shall be carefully examined by the beer board and a record of its action thereon shall be kept in writing as a part of its regular proceedings. upon approval of said application by the beer board, and a permit shall be issued to the applicant, bearing the name of the chairman of the beer board and the date of issuance. The permit thus issued shall remain in full force and effect until its revocation by the beer board in the manner hereinafter prescribed. No permit shall be granted to any applicant who does not meet all

the requirements of this chapter. (1982 Code, § 2-211, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-212. Permit not transferable.** The beer permit and license issued under the provisions of this code shall not be transferable to any other person or for any other premises than those described in the application therefor. (as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-213. Beer permits restrictive.** All beer permits shall be restrictive as to the type of beer business authorized by them.

(1) Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by their permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions that are written into their permit by the beer board.

(2) No on-premises permit shall be issued for a premise other than a nonprofit club, restaurant, limited service restaurant, microbrewery or craft beer enterprise. No on-premise and off-premise permit shall be issued for a premise other than a microbrewery and/or craft beer enterprise. For purposes of this chapter, "on premise," and "on- and off-premise" shall include the interior of the business enclosed by permanent walls and covered by a permanent roof, as well as all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located, and in the case of a nonprofit club, a golf course that is a part of the establishment. An outdoor serving area shall be defined as a patio, deck, roof, courtyard or other outdoor area where the permitted establishment provides service to the outdoor serving area that is:

- (a) Contiguous to the exterior of the building in which the business is located,
- (b) Operated and controlled by the business, and
- (c) Fenced or surrounded on all sides except for designated entrances and exits.

The fencing or surrounding barrier need not be permanent, but must consist of a barrier not less than forty inches (40") above the surface and must be constructed of a substantial material without gaps or spaces that would allow ingress and egress of the premises except through designated entrances and exits. Examples of substantial material includes, but is not limited to, securely connected cattle gates, planters, decorative fencing or other decorative architectural or landscaping material. An outdoor serving area may not include all or any part of an area otherwise used by the business or by the public for parking.

(3) No off-premise permit shall be issued for a premise other than full line grocery stores, drug stores, craft beer enterprises, micro breweries, package liquor stores or convenience stores.

(4) Each holder of a beer permit shall continuously maintain in this city:

(a) A registered office which may be the same as the permitted place of business, and

(b) A registered agent, who shall be an individual whose business office is identical with the registered office.

(5) With the exception of a microbrewery and/or craft beer enterprise, no brewer, wholesaler or manufacturer of beer, nor any agent of such brewer, wholesaler or manufacturer, shall be permitted to make a loan of money or furnish any fixtures of any kind or have any interest either directly or indirectly in the business of any retailer of beer, or in the premises occupied by such retailer. No person holding and/or exercising a valid permit issued pursuant to this chapter shall while so doing convey or grant or contract to convey or grant any interest in the business located at the place named on the permit, or an interest in the premise or any property therein, to any brewer, wholesaler or manufacturer of beer regulated by this chapter. No person holding and/or exercising a valid permit issued pursuant to this chapter shall incur or contract any indebtedness or financial obligation to any brewer, wholesaler or manufacturer of beer regulated by this chapter, except for the purchase of the beverages. No permit shall be granted under this chapter to any applicant who at the time of making application, is indebted or financially obligated to any such brewer, wholesaler or manufacturer, except for the purchase of the beverages.

(6) Downtown festival district. Nothing in this chapter 2 shall be construed to authorize sales, service or consumption of liquor, wine, beer or any other spirits on the streets and property of the City of Sweetwater, without a special occasion permit.

(7) Special occasion permit. (a) Beer. Notwithstanding any other provisions of this article to the contrary, the beer board is hereby authorized and empowered in its discretion to permit the sale of beer for consumption on private property or public property designated by the beer board on an application by application basis at such times and under such terms, conditions, rules and regulations as the beer board may establish for the special occasion.

(b) Wine. In the event the TABC issues a special occasion license to a non-profit association described in Tennessee Code Annotated, § 57-4-102(m)(1) to conduct a wine festival as defined in Tennessee Code Annotated, § 57-4-102(34)(A), for participating wineries licensed under Tennessee Code Annotated, § 57-4-207(b) to serve complimentary samples as described Tennessee Code Annotated, § 57-4-102(m)(2) and to sell wine produced by the wineries for



consumption off-premises pursuant to Tennessee Code Annotated, § 57-4-102(m)(3), in festival settings substantially similar to those authorized by this section, then such licensee, who wishes to sell wine for consumption within the Downtown Festival District, must comply with the requirements of this section, not preempted by TABC regulations, as they apply to the sale of beer.

(i) Geographic boundaries. The Downtown Festival District created hereby shall include all of the Main Street District. A map of the Downtown Festival District (Main Street District) shall be maintained in the city recorder's office.

(ii) Festival district beer application. Any person or organization desiring to conduct an event in the Downtown Festival District, where beer will be sold and consumed on any part of the public streets, sidewalks, or public areas described above, shall complete and submit a complete festival district beer application to the office of the city recorder on forms provided by that office no later than forty-five (45) days in advance of the proposed event. Any person or organization desiring to conduct an event under this section of the code shall also have obtained a special events permit from the city prior to approval of a beer permit by the beer board. An applicant is not required to use the entire Downtown Festival District for their event in order to obtain a permit; the applicant shall indicate the specific area of the Downtown Festival District they wish to utilize on their site plan submitted with this application ("permitted area"). The proposed permitted area shall be consistent with the festival site plan approved by the main street board. Only one (1) permittee may use the permitted area at a time.

(iii) Festival permit(s) required. Any person or organization desiring to conduct an event under this section of the code shall have obtained any and all permits required by Main Street prior to seeking approval from the beer board and shall comply with all terms and conditions set forth in the special events guide throughout the entire festival.

(iv) Festival district beer application. The application shall include, but not necessarily be limited to, the following information:

- (A) Date and time of the event;
- (B) The identity of such person or organization that is requesting the special permit;
- (C) The site plan for the festival event area, showing where any beer is to be sold and consumed;

(D) The specific vendor stall at which beer is to be distributed by the permittee from a canopy, tent, trailer, food truck or similar facility;

(E) Plans for proposed temporary closure of public rights-of-way, that have been approved by the Sweetwater Police Department prior to submission of a festival district application;

(F) The length and periods of time for which such special permit is requested;

(H) Plans for necessary signage, security and policing of the event;

(i) A plan for server compliance, including procedure for carding individuals and preventing over-consumption of alcohol; and

(J) The anticipated number of persons attending the event.

(c) Beer board meeting attendance required. Upon receipt of the festival district permit application as required herein, the proposed festival event shall be placed on the beer board's agenda at its next regularly scheduled meeting following receipt of the application. The applicant for the special permit shall attend or send a representative or representatives to the beer board meeting to address any questions or issues arising out of the proposed festival event application.

(d) Rules and regulations for festival district events are as follows:

(i) Dispensing hours. Notwithstanding any other laws governing the hours for the sale of beer, it shall be unlawful for any festival event permittee to sell, barter, give away or otherwise dispense beer under the provisions of this section until the festival begins and after one hour before the end of the festival.

(ii) Consumer liability. It shall be unlawful for any person to possess or consume alcoholic beverages on any public street, sidewalk, playground, school property, public park or recreational facility or public parking lot that is not a part of the permitted Festival Event Area.

(iii) Container requirements. Within the permitted festival event area, it shall be unlawful for any person to possess or consume alcoholic beverages from any container in the festival event area other than a non-glass container not exceeding a volume of sixteen (16) fluid ounces.

(iv) Certified alcohol server. The permittee shall ensure that alcohol is dispensed only by a certified alcohol server, who has completed a TABC certified alcohol awareness program and has a TABC server permit.

(v) Wristbands required. All patrons who are consuming beer or other alcoholic beverages at the festival event shall be provided with a customized wristband for the event. The permittee shall ensure that the only individuals provided with wristbands are individuals who are twenty-one (21) years of age or older.

(vi) Verification for each service. It shall be unlawful for the festival event permittee, or any of the permittee's servers, to provide any individual with beer or other alcoholic beverage within the downtown festival district without re-checking the individual's identification, and ensuring that the individual is wearing the wristband provided to the individual by the permittee.

(vii) No refills. It shall be unlawful for any person to re-use or to knowingly allow the re-use of an approved container for an alcoholic beverage and nothing in this section shall be construed to authorize the same.

(viii) Unlawful consumption. It shall be unlawful for any person to possess, dispense or consume any alcohol in the Downtown Festival District unless that alcohol was provided by the licensed permittee or festival approved vendor in an approved container.

(ix) No alcohol to enter or leave premises. It shall be unlawful for an individual to enter or exit the festival event area with any container holding any alcoholic beverage. Cups and cans must be emptied prior to entering or exiting the festival event area.

(x) Only permittees allowed. It shall be unlawful to use any recreational vehicle, tent, truck or other facility within the festival event area for tailgating, serving, consuming or possessing alcoholic beverages except by licensed permittees from the licensed retail premises.

(xi) Signs. Permittee(s) shall install temporary signs throughout the festival event area, including but not limited to at every public intersection, designating where the festival event area begins and ends, and advising patrons that beer and alcoholic beverages shall not be taken or consumed outside the festival event area.

(e) Open container law. nothing in this section shall be construed to authorize any person to violate the open container law set forth in § 8-218 of the Municipal Code of the City of Sweetwater.

(f) Underage drinking unlawful. Nothing in this section shall be construed to authorize any person to violate the state and city laws against underage drinking.

(g) Festival intervals. There shall be a minimum of twenty four (24) hours between festivals or events. (as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-214. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder, employee, or person engaged in the sale of beer to:

(1) Servers. Employ any server that does not possess a valid server permit issued by the State of Tennessee Alcoholic Beverage Commission. Said permit must be on the person of the server, or dispenser or upon the premises of the licensee at all times subject to inspection by the city's duly authorized agent.

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

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

(4) Hours. It shall be unlawful for any person to sell, furnish, or distribute beer within the city between the hours of 3:00 A.M. and 6:00 A.M. on Sunday. (If the statutory hours of operation set forth in Tennessee Code Annotated, § 57-5-301(b) changes, the statutory definition shall govern).

(5) No underage drinking. Make or allow any sale or distribution of beer to any person under the legal drinking age as mandated by state law. Pursuant to Tennessee Code Annotated, § 57-5-301(1), permit holders shall post signs on the premises informing customers of the permit holder's policy against selling beer to persons under the legal drinking age. (1982 Code, § 2-213, as amended by Ord. #617, Oct. 1988 and Ord. #662, Feb. 1994, replaced by Ord. #860, Jan. 2011, and replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-215. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder, employee, or person engaged in the sale of beer to:

(1) Servers. Employ any server that does not possess a valid server permit issued by the State of Tennessee Alcoholic Beverage Commission. Said permit must be on the person of the server, or dispenser or upon the premises of the licensee at all times subject to inspection by the city's duly authorized agent.

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

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

(4) Hours. It shall be unlawful for any person to sell, furnish, or distribute beer within the city between the hours of 3:00 A.M. and 6:00 A.M. on

Sunday. (If the statutory hours of operation set forth in Tennessee Code Annotated, § 57-5-301(b) changes, the statutory definition shall govern.)

(5) No underage drinking. Make or allow any sale or distribution of beer to any person under the legal drinking age as mandated by state law. Pursuant to Tennessee Code Annotated, § 57-5-301(f), permit holders shall post signs on the premises informing customers of the permit holder's policy against selling beer to underage persons. The signs shall be not less than eight and one-half inches by five and one-half inches (8-1/2" x 5-1/2"), and shall contain the following language: "IF YOU ARE NOT 21 AND ARE IN POSSESSION OF BEER, YOU COULD LOSE YOUR DRIVER LICENSE."

(6) No drinking by owner or staff. Allow an owner, co-owner, operator, proprietor, or employee to drink or be under the influence of any of the beverages regulated by this chapter while on the premises when the establishment is open to the public except an owner, co-owner, operator, proprietor, or employee of a micro-brewery as defined in § 8-201 for the limited purpose of sampling and testing beer produced on premises.

(7) No minors loitering. Allow any person under the legal drinking age as mandated by state law to loiter in or about their place of business.

(8) No drunk customers. Make or allow any sale of beer to any person who appears, or would reasonably appear to be under the influence of any intoxicant whatsoever.

(9) No drunks loitering. Allow intoxicated person(s) to loiter about the premises.

(10) No gambling. Provide for or allow any gambling or games of chance involving exchange of money on the premises, excepting activities authorized pursuant to the Tennessee Education Lottery Implementation Law codified at Tennessee Code Annotated, § 4-51-101 et seq.

(11) Prohibited conduct. Knowingly or intentionally permit or allow any person to appear in the establishment or on the premises for which the permit was issued and to:

(a) No sex acts. Publicly or openly perform acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts prohibited by law; or

(b) No intimate touching. Publicly or openly engage in the actual or simulated touching with the hand, facial area or mouth, or caressing, or fondling of the breasts, buttocks, anus or genitals; or

(c) No genital display. Publicly or openly engage in the actual or simulated display to public view of any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the display of the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

(d) No simulation. Publicly or openly wear or use any device or covering exposed to public view which simulates the display to public

view of any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the display of the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

(e) Server clothing. Employ, use or allow any person in the sale or service of food, beer or other alcoholic beverages while such person is publicly or openly unclothed or in such attire, costume or clothing as to expose to view any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

(f) Host clothing. Employ, use or allow the services of any host, hostess or other person to mingle with patrons while such hostess or other person is unclothed or in such attire, costume or clothing as to expose to view any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

(g) Prohibited devices. Publicly or openly permit any person to use artificial devices or any inanimate objects to depict any prohibited activities described above; or

(h) Prohibited conduct by other persons. For the owner of the property, or the owner of any business operated thereon, or any employee thereof to allow or permit any person to remain in or upon the premises who is exposing to public view any portion of the human male or female genitals, pubic area, buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

(i) Prohibited visual presentations. Publicly or openly show films, videotapes, laser discs, CD ROMS, electronic reproductions or other visual reproductions that involve movement depiction of any of the following:

(A) No sex acts. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or

(B) No groping. Any person being touched, caressed, or fondled on the breasts, buttocks, anus or genitals; or

(C) No genitals displayed. Scenes wherein the person displays the vulva, the anus or the genitals; or

(D) Prohibited animation. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(j) Swimming attire allowed. Nothing contained in this section shall be construed to prohibit persons of either sex from engaging in swimming or related activities while clad in attire customarily worn in the community for such purpose;

(k) Broadcast display allowed. Nothing contained in this section shall be construed to prohibit the broadcast or display of any television program subject to regulation by the Federal Communications Commission of the United States on the permitted premises.

(l) Disorderly conduct prohibited. Operate a disorderly place or allow boisterous and/or disorderly conduct on the premises. Such prohibited disorderly conduct and operation of a disorderly place shall mean and include any conduct that may pose a threat to public health or safety and that may be deemed to create a public nuisance. (1982 Code, § 2-214, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-216. Hotels, clubs, lodges, etc.** Nothing in this chapter shall prevent the sale and distribution of beer in hotel rooms of regularly conducted hotels and in regularly incorporated clubs and lodges when same are licensed by the beer board. (1982 Code, § 2-215, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-217. Enforcement by police.** City police officers are charged with the enforcement of this chapter. Violators shall be prosecuted in the city court and, if licensed, complaints shall be filed against them with the chairman of the beer board. This section shall not be construed so as to deny private individuals of their right to file written complaints against licensees with the city recorder, chief of police or a member of the beer board as provided in the following section. (1982 Code, § 2-216, as amended by Ord. #653, Sept. 1993, Ord. #730, June 2001, modified, amended by Ord. #860, Jan. 2011, and replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-218. Grounds and procedure for suspension and revocation of beer permits.** (1) Denial. The beer board is authorized to suspend or revoke a beer permit for any of the reasons which would disqualify an applicant in the first instance.

(2) Suspension or revocation. Subject to the provisions of the Tennessee Responsible Vendor Act, Tennessee Code Annotated, § 57-5-601 et seq., all permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the board for the violation of any of the provisions of the state beer act, the failure to sell beer according to their permit within six (6) months of issuance, or any of the provisions of this chapter.

(3) Authority of board. The beer board created by this chapter is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why their permit should

not be revoked for the violation of the provisions of this chapter or the provisions of the state beer act.

(4) Complaints. Suspension or revocation proceedings may be initiated by the chief of police, the city recorder, or by any member of the beer board. Complaints filed against any permit holder for the purpose of suspending or revoking beer permits shall be made in writing and filed with the board.

(5) Notice to appear; contents, service. When the board has reason to believe that any permit holder has violated any of the provisions of this chapter or any of the provisions of the state beer act, the board is authorized, in its discretion, to notify the permittee of the violations and to cite the permittee by written notice to appear and show cause why his permit should not be suspended or revoked for the violations. The notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department of the city. The notice shall be served upon the permittee at least five (5) days before the date of the hearing.

(6) Hearing. At the hearing, the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After the hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke the permit.

(7) Civil penalty in lieu of suspension. Subject to the provisions of the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601 et seq., the beer board may, at the time it imposes a suspension, revocation or suspension, offer a permit holder 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 persons under twenty one (21) years of age, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. The amount of the civil penalties shall be governed by Tennessee Code Annotated, § 57-5-108, and if the amounts are modified, the Tennessee statute shall control. 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 of the violation charged by said permit holder and shall be paid to the exclusion of any other penalty that the city may impose. The violation admitted by payment of the civil penalty shall be held against said permit holder in the determination of any subsequent application, suspension or revocation.

(8) Limitations on civil penalties. Notwithstanding the foregoing, the beer board's authority to revoke or suspend beer permits or to impose civil penalties will be subject to the following limitations:

(a) Clerk sales to minors. The beer board may not revoke or suspend the permit of an off-premises permit holder for a clerk's illegal



sale of beer to a minor if the permit holder and the clerk making the sale have complied with the requirements of state law to qualify as a responsible vendor, but may impose on the 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.

(b) Underage sales over eighteen (18). The beer board may not revoke a permit on the grounds the permit holder or any person working for the permit holder sells beer to a minor over the age of eighteen (18) years if such minor exhibits an identification, false or otherwise, indicating the minor's age to be twenty one (21) or over, the minor's appearance as to maturity is such that the minor's age might reasonably be presumed to be twenty one (21) or over and the minor's age is unknown to the person making the sale. Under such circumstances, the permit may be suspended for a period not to exceed ten (10) days or a civil penalty up to one thousand five hundred (\$1,500.00) may be imposed.

(c) Multiple violations. The beer board may permanently revoke a beer permit only when the permit holder has at least two (2) violations for underage sales within a twelve (12) month period.

(9) Effect of board action. The action of the board in all such hearings shall be final, subject only to review by the court as provided in the state beer act. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location until the expiration of one (1) year from the date the revocation becomes final. However, the board may, in its discretion, issue a new permit on the same premises before the expiration of the one (1) year period if the individual applying for the permit is not the original holder of the permit, is not related to the original holder within four (4) degrees of consanguinity (first cousin or closer) or the agent of the original holder of the permit. (1982 Code, § 2-217, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-219. Adoption of the Tennessee Responsible Vendor Act.** There is hereby adopted and incorporated herein by reference the Tennessee Responsible Vendor Act, Tennessee Code Annotated, § 57-6-601 et seq. Any provisions of title 8, chapter 2 of the municipal code in conflict with the provisions of the Act are hereby repealed. (1982 Code, § 2-218, as replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-220. Open beverage containers prohibited.** It is unlawful for any person to possess open cans, bottles, or containers of beer in motor vehicles in the city or upon the public streets, sidewalks, or other public places in the city, not otherwise permitted by this chapter. There shall be rebuttable presumption that open containers of alcoholic beverages found in a motor vehicle, not within the physical possession of any individual, are in the possession of the driver of

the vehicle. (1982 Code, § 2-219, as amended by Ord. #860, Jan. 2011, and replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

**8-221. Deleted.** (1982 Code, § 2-220, as amended by Ord. #577, Nov. 1985, and Ord. #860, Jan. 2011, and replaced by Ord. #1009, March 2023 *Ch8\_08-05-24*)

## CHAPTER 3

### WINE IN RETAIL FOOD STORES

#### SECTION

8-301. Definitions.

8-302. Requirements.

8-303. Application fee.

**8-301. Definitions.** Whenever the terms set forth in §8-101 of this title are used in reference to retail food stores, the provisions of such definitions shall apply to a "retail food stores" in the same manner and with the same force and effect as when applied to a liquor store. (as added by Ord. #948, Jan. 2017)

**8-302. Requirements.** The requirements of application and issuance of a certificate of compliance for the sale of wine in retail food stores shall be substantially the same as the requirements for liquor stores set forth in chapter 1 of this title to the extent that said requirements comply with state statutes regulating the sale of wine in retail food stores. (as added by Ord. #948, Jan. 2017)

**8-303. Application fee.** Section 8-113(5) shall not apply to applications for the sale of wine in retail food stores. (as added by Ord. #948, Jan. 2017)

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

1. CARNIVALS OR FAIRS.
2. PEDDLERS, SOLICITORS, ETC.
3. YARD SALES.
4. TAXICABS.
5. MASSAGE PARLORS AND TECHNICIANS.
6. ADULT-ORIENTED ESTABLISHMENTS.
7. CABLE TELEVISION.

**CHAPTER 1****CARNIVALS OR FAIRS****SECTION**

- 9-101. Definitions.
- 9-102. Carnival or fair permit and certificate of use.
- 9-103. Use of city property.
- 9-104. Application for carnival or fair permit.
- 9-105. Application fee.
- 9-106. Permit fee.
- 9-107. Transient vendor business license required.
- 9-108. Posting of required permits, etc.
- 9-109. Review and consideration of applications and appeal process.
- 9-110. Bond required.
- 9-111. Inspections.
- 9-112. Daily inspection reports required.
- 9-113. Sanitation requirements.
- 9-114. Water service for carnival or fair.
- 9-115. Storm water inlet protection required.
- 9-116. Utility deposit required; return of deposit.
- 9-117. Proof of contact of health department where food is served.
- 9-118. Police presence required at carnival or fair's expense.
- 9-119. Cease operation.

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<sup>1</sup>Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11, chapter 4.

Zoning: title 14.

- 9-120. Duration of permit.
- 9-121. Public liability insurance.
- 9-122. Other permits.
- 9-123. Exemptions.
- 9-124. Hours of operation
- 9-125. Noise
- 9-126. Penalty.

**9-101. Definitions.** As used in this chapter the following terms shall be defined as stated herein:

(1) "Amusement device." Any equipment or piece of equipment, appliance or combination thereof designed or intended to entertain or amuse for a fee.

(2) "Amusement ride." Any amusement device or combination of devices, which carries passengers along, around or over a fixed or restricted course for the purpose of amusement and for a fee.

(3) "Carnival." An enterprise offering amusement or entertainment to the public in, upon, or by means of amusement devices or rides or concession booths.

(4) "Concession booth." A building, structure, or enclosure located at a fair or carnival from which amusements or games are offered to the public for a fee.

(5) "Fair." An enterprise principally devoted to the exhibition of products of agriculture or industry in connection with the operation of amusement rides or devices or concession booths.

(6) "Operator." A person, or the agent of a person, who owns or controls the operation of an amusement ride, device or concession booth.

(7) "Restraining device." A safety belt, harness, chain, bar or other device, which affords actual physical support, retention or restraint of a passenger of an amusement ride or device. (1982 Code, § 5-104, as replaced by Ord. #845, April 2010)

**9-102. Carnival or fair permit and certificate of use.** No person shall conduct or operate or allow to be conducted or operated in any place owned, leased, managed or controlled by him, any carnival or fair in the city without first obtaining and maintaining:

(1) A valid carnival or fair permit as provided for in this chapter; and  
(2) A valid certificate of use regarding the carnival or fair which shall issue from the building inspector after all the conditions, requirements and inspections provided for in this chapter as prerequisites to the issuance of a certificate of use have been met prior to the opening of the carnival or fair to the public; and

(3) All other approvals, permits and licenses required by this chapter and other applicable laws and regulations. (as added by Ord. #845, April 2010)

**9-103. Use of city property.** No person shall conduct or allow to be conducted on city streets, right-of-way, parks or other city property a carnival or fair without first obtaining the written permission of the city board or their authorized representative. (as added by Ord. #845, April 2010)

**9-104. Application for carnival or fair permit.** Applications for a carnival or fair permit shall be made at least thirty (30) calendar days and no more than ninety (90) calendar days prior to the proposed opening date of the carnival or fair. Applications for a carnival or fair permit shall be made to the city recorder by the person or entity, which will conduct or perform the carnival or fair. Any limitations or representations set forth in the application including but not limited to proposed hours of use, shall be binding on the applicant and shall constitute a condition of the carnival or fair permit's issuance, the breach of which may result in the nullification of the carnival or fair permit. Each carnival or fair permit shall include:

(1) The name, complete permanent home address, and telephone number of the person requesting permit.

(2) The name and address of the organization or group sponsoring the event. A copy of the organization's articles of incorporation, partnership agreement, charter, or other organizing documents, if applicable, shall be attached to the application.

(3) The name, address and telephone number of the person who will act as contact person for the event and be responsible for the conduct thereof.

(4) The purpose of the proposed carnival or fair.

(5) Location of event, including written permission of any private property owner, or other person in control of the property owned at which the applicant proposes to hold the carnival or fair.

(6) The date or dates the carnival or fair is proposed to be conducted and the hours it will commence and terminate each day.

(7) The specific assembly and disbursal locations, and the specific route plan to be used, if applicable, if any part of the carnival or fair will be assembled in one place and then moved to another.

(8) A list of every amusement device or ride with descriptive name and identification number and a certificate from the owner and/or manager in charge of the carnival or fair that each operator of each such amusement device or ride has appropriate and sufficient training and knowledge of how to properly and safely operate each amusement device or ride he or she will operate at the fair or carnival.

(9) A positive certification from an independent testing agency certifying that each amusement ride or device has passed a load test in accordance with manufacturer's specifications within one (1) year of the date of the carnival or fair. Modifications to the original design (such as restraining devices not found on the original design) must be reflected in the load test or reviewed and approved by a licensed engineer. Such engineer's approval report

shall be in writing and in sufficient detail as to indicate the extent of the modification(s), shall contain a written description and/or illustration of the modification approved and shall set forth the engineer's seal and current contact information.

(10) A list of names of all persons who will work at or be employed at the carnival or fair when it is proposed to be in operation in the city including each such person's driver's license number and state of issuance or social security number.

(11) A State of Tennessee business license or transient vendor license.

(12) Such other information as the city may deem reasonably necessary.

(13) A list of any non-profit sponsorships within the city (i.e. Lion's Club) and what amount of payment, percentage of sales, or contribution will be given to the sponsor.

(14) A certification that the statements in the application are true, accurate and complete. (as added by Ord. #845, April 2010)

**9-105. Application fee.** A non-refundable application fee of five hundred dollars (\$500.00) shall be submitted with the application for a carnival or fair permit. (as added by Ord. #845, April 2010)

**9-106. Permit fee.** There will be a fee of two thousand dollars (\$2,000.00) for the issuance of the carnival or fair permit payable prior to the issuance of the permit. (as added by Ord. #845, April 2010)

**9-107. Transient vendor business license required.** Each applicant who is issued a carnival or fair permit under this chapter shall further be required to obtain prior to the opening of the carnival or fair a transient vendor business license from both the City of Sweetwater and from the Monroe or McMinn County Court Clerk, as applicable. (as added by Ord. #845, April 2010)

**9-108. Posting of required permits, etc.** The following valid and current documents shall be posted in a prominent location easily visible to the public at each carnival or fair operated in the city during all times when the fair or carnival is open for business:

(1) Carnival or fair permit;

(2) City transient vendor business license;

(3) County transient vendor business license;

(4) Certificate of use by appropriate city official. (as added by Ord. #845, April 2010)

**9-109. Review and consideration of applications and appeal process.** The city recorder or designated representative shall initially review the application for a carnival or fair permit to ensure that all required information has been included. The city recorder, with the advice of appropriate

affected city operating departments, will then consider the application based on the following criteria:

- (1) Appropriateness of the location of the proposed event to the surrounding community.
- (2) Date and time of proposed event.
- (3) The length of the proposed event.
- (4) The impact on residential and commercial neighbors.
- (5) Other events previously scheduled in the city on the same dates.
- (6) The amount and availability of city personnel necessary to regulate and monitor the proposed event.
- (7) The interference with peak transportation periods, movement of emergency vehicles, or schedules of various construction projects.
- (8) Concerns about problems with parking, sanitation and dispersal routes at the proposed event at the time and location contemplated by the application.
- (9) Adequacy of the application and the information provided therein.
- (10) Any other relevant information pertaining to the health, safety and general welfare of the citizens of and visitors to the city.
- (11) Past experience with the applicant or those associated with the applicant. Upon completion of this analysis, and within a reasonable time, the city recorder will determine whether or not the carnival or fair permit shall be issued to the applicant and shall advise the applicant of the decision. A permit may be used with or without additional conditions imposed by the city recorder. If the application for a carnival or fair permit is denied, the city recorder will provide the applicant an explanation in writing as to the reasons for the denial. The applicant has the right to appeal in writing the conditions placed on the issuance of a permit or the denial of a permit to the city recorder's office within ten (10) business days of the issuance of the conditional permit or of the date of the denial letter, as applicable, for submission to the city board for review. (as added by Ord. #845, April 2010)

**9-110. Bond required.** Prior to the issuance of a certificate of use, a cash bond shall be provided to the City of Sweetwater in the amount of one thousand dollars (\$1,000.00) for each carnival or fair on the condition that the operators and owners of the carnival or fair shall comply fully with the provisions of this chapter and the statutes of the State of Tennessee during the setting up, operation of, and closing down of the applicable carnival or fair. If all conditions are met to the satisfaction of the city, the bond will be refunded within thirty (30) days of the expiration of the carnival or fair permit. If the city determines that all conditions have not been met, it may retain all or part of the bond as appropriate to compensate it for the costs incurred due to the lack of compliance. If costs incurred exceed bond amount, the carnival or fair will be billed the additional amount. (as added by Ord. #845, April 2010)



**9-111. Inspections.** The following city employees must perform and a carnival or fair must pass the following inspections before a certificate of use may issue. Animals in any way connected to the carnival or fair must be properly restrained to allow inspectors to perform their work.

(1) Sweetwater Utilities Board inspector to review:

(a) Inspection of extension cords for wear and splices. Cords are required to have locking-type receptacles and plugs;

(b) Emergency cut-offs on carnival rides;

(c) Water quality (as is set forth below if the sanitary sewer of the city is used by or in connection with the carnival or fair).

(2) Building inspector. (a) Inspection of blocking and scotching of wheels and leveling arms;

(b) Check for guards on belts and other moveable devices;

(c) Walk-through inspection for obvious safety violations (no mechanical inspections);

(d) Any other matter which comes to the attention of the building inspector which causes him concern for the health, safety, and welfare of any person regarding the carnival or fair operation.

(3) Fire inspector. (a) Inspection for fire extinguishers in a number to be determined by the Sweetwater Fire Department;

(b) Inspection for smoke detectors in sleeping quarters, in generator trailers, and on all carnival rides;

(c) Inspection of location and accessibility of items for fire and life safety. (as added by Ord. #845, April 2010)

**9-112. Daily inspection reports required.** Daily inspection reports in a form provided by the building inspector shall be submitted each day a carnival or fair is opened to the public. Such daily inspection reports shall state that the owner or manager in charge of the carnival or fair has inspected each amusement device or ride for safety concerns in advance of opening the carnival or fair to the public that day and that each such ride passed such inspection. A daily inspection report shall be provided to the building inspector and/or his agents prior to the operation of the carnival or fair each day for that day. (as added by Ord. #845, April 2010)

**9-113. Sanitation requirements.** Temporary restroom facilities must be provided at a carnival or fair in a number to be determined by city code enforcement with a minimum of four (4) separate facilities in addition to the existing city sanitary system. No dumping of holding tanks into the city storm sewer system is allowed. Any discharge of gray-water in connection with a carnival or fair, including dumping, must flow directly to the city sanitary sewer system and meet the following requirements:

(1) Connections as per International Building Code and the Rules, Regulations, Rates and Policies of the City of Sweetwater and Sweetwater

Utilities Board Water Quality Control Department, the Sweetwater Utilities Board Sewer Use policy and any other applicable regulations.

(2) All discharge must meet the standards of the pretreatment ordinance and the sewer use ordinance, including but not limited to the prohibition on the discharge of chemicals and cooking grease into the sanitary sewer system.

(3) Connections must be such as to not allow rainwater inflow.

(4) If authorized, connections may be made at a sanitary sewer manhole using a special manhole cover drilled to accept a four inch (4") PVC elbow and riser or standard dump station connection subject to inspection. A manhole may be provided by WQC department upon request.

(5) Connections may be made at other approved locations subject to review and inspection.

(6) The appropriate city personnel must inspect all connections prior to use. (as added by Ord. #845, April 2010, and amended by Ord. #550, July 2010)

**9-114. Water service for carnival or fair.** If water is to be used at carnival or fair, a responsible party for the carnival or fair must sign up for temporary water service with the Sweetwater Utilities Board Water Department and must pay for consumption billed at current Sweetwater Utilities Board Water Department rates before leaving the city and must operate pursuant to the following regulations:

(1) Connections must be in compliance with the Southern Building Code and the Rules, Regulations, Rates and Policies of the Sweetwater Utilities Board Water Quality Control Department, and any other applicable regulations;

(2) Connection must be through a meter;

(3) Connection must include a backflow prevention device at the connection point;

(4) The appropriate city personnel must inspect all connections. (as added by Ord. #845, April 2010)

**9-115. Storm water inlet protection required.** A responsible party for a permitted carnival or fair is required to protect any storm water inlets from pollution that may impair water quality or system function where such storm water inlets are impacted or potentially impacted by carnival or fair operations. No equipment known to leak or to deposit oil, grease, or any other pollutant may be used without making adequate provision for total, weatherproof collection and approved disposal of the pollutant. (as added by Ord. #845, April 2010)

**9-116. Utility deposit required; return of deposit.** Use of the water or sewer system of Sweetwater Utilities Board for or in connection with a carnival or fair, a temporary utility deposit in the amount of one thousand dollars (\$1,000.00) will be required. Upon:

- (1) Return of all meters and equipment to the city; and
- (2) Passing a post-use inspection of the sanitary sewer system involved with the carnival or fair's use; and
- (3) Full payment of any outstanding water and sewer use billing, the deposit will be refunded within thirty (30) days of the last of these conditions to occur. (as added by Ord. #845, April 2010)

**9-117. Proof of contact of health department where food is served.** Prior to receiving a certificate of use, a responsible person for the carnival or fair must show in writing that the Monroe/McMinn County Health Department has received notice if any food is contemplated to be prepared and served at the carnival or fair so that appropriate inspections can be made. (as added by Ord. #845, April 2010)

**9-118. Police presence required at carnival or fair's expense.** At least one (1) officer of the Sweetwater Police Department shall be on duty at the carnival or fair during the operating hours of the carnival or fair. The cost of such officer shall be borne in advance by the carnival or fair and proof of compliance with this part shall be provided prior to the issuance of a certificate of use. (as added by Ord. #845, April 2010)

**9-119. Cease operation.** The city recorder or police chief is authorized to revoke a carnival or fair permit and order such carnival or fair to immediately cease its operation due to any violation of this chapter or if the city recorder deems the continuing operation of the carnival or fair to be a hazard to the health, safety or general welfare of the citizens of or visitors to Sweetwater. The city recorder or the building inspector further has the authority to cease operation of a particular amusement device or ride if it is found to be particularly unsafe or hazardous without shutting down the entire carnival or fair. (as added by Ord. #845, April 2010)

**9-120. Duration of permit.** A carnival or fair permit issued under the authority of this chapter shall expire no more than fourteen (14) days from the commencement of the carnival or fair and shall be non-transferable and non-assignable. (as added by Ord. #845, April 2010)

**9-121. Public liability insurance.** Before a certificate of use is granted to allow the opening of the carnival or fair, the carnival or fair operators shall furnish evidence that they have in force at the time such a carnival or fair is to operate in the city the following coverages, which would apply to the carnival or fair and its operations:

- (1) Worker's compensation insurance sufficient to comply with the State of Tennessee statutes;

(2) Comprehensive general liability insurance, by an insurance company licensed to do business in this state, providing coverage of two million dollars (\$2,000,000.00) combined single limit per occurrence. Such coverage shall include independent contractors, products liability and personal injury, and the city shall be an additional named insured;

(3) Comprehensive automobile liability providing for a single limit for five hundred thousand dollars (\$500,000.00) per occurrence and aggregate for owned, not owned, and hired motor vehicles. The city shall be an additional named insured; and

(4) Certificates of insurance in a form and with insurance companies acceptable to the city shall be filed with the city recorder prior to issuance of the certificate of use. (as added by Ord. #845, April 2010)

**9-122. Other permits.** The carnival or fair permit shall be in addition to any additional permits or licenses required by state and federal law or local ordinance. (as added by Ord. #845, April 2010)

**9-123. Exemptions.** Special events conducted solely by or in conjunction with the City of Sweetwater, the City of Sweetwater schools and the Monroe or McMinn County, Sweetwater, Sweetwater Parks and Recreation Commission, or those sponsored by a registered 501-3(c) non-profit organization with board permission shall be exempt from requirements of this chapter. (as added by Ord. #845, April 2010)

**9-124. Hours of operation.** It shall be unlawful for any person to hold or conduct any carnival, fair, circus, or other similar show or exhibition within the corporate limits except between the hours of 9:00 A.M. and 11:30 P.M. (as added by Ord. #845, April 2010)

**9-125. Noise.** Noise shall be restricted as required by the city police chief. (as added by Ord. #845, April 2010)

**9-126. Penalty.** In addition to cessation of operations of a carnival or fair as set forth above, the violation of this chapter is punishable to the fullest extent authorized for the enforcement of ordinances by the Sweetwater City Code and Tennessee Code Annotated. (as added by Ord. #845, April 2010)

## CHAPTER 2

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

#### SECTION

- 9-201. Definitions.
- 9-202. Exemptions.
- 9-203. Permit required.
- 9-204. Permit procedure.
- 9-205. Restrictions on peddlers, street barkers and solicitors.
- 9-206. Provisions regarding solicitors for charitable purposes.
- 9-207. Restrictions on transient vendors.
- 9-208. Display of permit.
- 9-209. Suspension or revocation of permit.
- 9-210. Expiration and renewal of permit.
- 9-211. Violation and penalty.

**9-201. Definitions.** Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

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

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

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<sup>1</sup>Municipal code references

Privilege taxes: title 5, chapter 2.

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

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

(c) Has been in continued existence as a charitable or religious organization based in the Sweetwater Metropolitan Planning Region or Monroe County for a period of one (1) year prior to the date of its application for registration under this chapter.

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

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

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to

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<sup>1</sup>State law references

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

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 62-30-101(3). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

selling or offering to sell novelty items and similar goods in the area of the festival or parade. (as amended by Ord. #879, May 2012)

**9-202. Exemptions.** The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold.

**9-203. Permit required.** No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

**9-204. Permit procedure.** (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

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

(b) A brief description of the type of business and the goods to be sold or the charity or cause for which contributions will be solicited.

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

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

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

(f) Tennessee State sales tax number, if applicable.

(g) A statement that control and supervision of the solicitation will be under responsible and reliable persons, that neither the applicant nor the applicant organization has engaged in any fraudulent transactions or enterprise, and the solicitation is for a bona fide charitable or religious purpose.

(i) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(ii) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to

be unsatisfactory the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(iii) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes.

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

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

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

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit.

(5) Denial of permit. Any applicant for a permit under the provisions of this section may appeal to the governing body if he/she has not been granted a permit within fifteen (15) days after he makes application therefore. (as amended by Ord. #805, March 2007, and Ord. #844, Feb. 2010)

**9-205. Restrictions on peddlers, street barkers and solicitors.** No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

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

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



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

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

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

**9-206. Provisions regarding solicitors for charitable purposes.** No solicitor for charitable purposes shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk.

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

(3) Call attention to his solicitation efforts by crying out, by blowing a horn, by ringing a bell or creating other noise that is disruptive to the public peace.

(4) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

(5) Solicit in vehicular traffic lanes or operate a "road block" of any kind. (as added by Ord. #805, March 2007, and amended by Ord. #982, July 2020, *Ch 7\_02-07-22*)

**9-207. Restrictions on transient vendors.** A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (as renumbered by Ord. #805, March 2007)

**9-208. Display of permit.** Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (as renumbered by Ord. #805, March 2007)

**9-209. Suspension or revocation of permit.** (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes:

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

(b) Any violation of this chapter.

(2) Suspension or revocation by the board. The permit issued to any person or organization under this chapter may be suspended or revoked by the board, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or 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 the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (as renumbered by Ord. #805, March 2007)

**9-210. Expiration and renewal of permit.** The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (as renumbered by Ord. #805, March 2007)

**9-211. Violation and penalty.** In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense. (as renumbered by Ord. #805, March 2007)

## CHAPTER 3

### YARD SALES

#### SECTION

- 9-301. Definitions.
- 9-302. Property permitted to be sold.
- 9-303. Sale conditions.
- 9-304. Hours of operation.
- 9-305. Display of sale property.
- 9-306. Advertising.
- 9-307. Persons exempted from chapter.
- 9-308.--9-311. Deleted.

**9-301. Definitions.** For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance (municipal code reference zoning ordinance: title 14, chapter 2. 9-18 ), for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis.

This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (as replaced by Ord. #942, Aug. 2016)

**9-302. Property permitted to be sold.** It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (as replaced by Ord. #942, Aug. 2016)

**9-303. Sale conditions.** (1) No more than three (3) sales may be held at one (1) residential location, residence and/or family household during any calendar year. If members of more than one (1) residence join in a sale, then such sale shall be considered as having been held for each and all of such residences. No more than six (6) sales may be held for any nonresidential location during any calendar year.

(2) If a sale is held on property not owned by the sale host, permission

from the property owner must be given to operate the sale. Any property owner inside the corporate limits may file with the recorder's office a request to prevent persons using their property without permission.

(3) Any city official, including a police officer or codes enforcement officer may enforce the immediate termination of any sale violating these conditions. Failure to comply with any provision of this chapter may be enforced as a city code violation with a fine not to exceed fifty dollars (\$50.00) per day. (as replaced by Ord. #942, Aug. 2016)

**9-304. Hours of operation.** Garage sales shall be limited in time to no more than 9:00 A.M. to 6:00 P.M. on three (3) consecutive days or on two (2) consecutive weekends (Saturday and Sunday). (as replaced by Ord. #942, Aug. 2016)

**9-305. Display of sale property.** Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (as replaced by Ord. #942, Aug. 2016)

**9-306. Advertising.** (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

(a) Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale is being conducted.

(b) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) Removal of signs. Signs must be removed each day at the close of the garage sale activities. Remaining signs shall be considered litter and may be enforced as such.

(4) Under no circumstances shall any signs be placed on public utility poles, public signage, or public buildings. (as replaced by Ord. #932, Aug. 2016)

**9-307. Persons exempted from chapter.** The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

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

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the City of Sweetwater, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances. (as replaced by Ord. #932, Aug. 2016)

**9-308.--9-311. Deleted.** (as deleted by Ord. 3932, Aug. 2016)

## CHAPTER 4

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

#### SECTION

- 9-401. Definitions
- 9-402. Franchise required.
- 9-403. Requirements as to application and hearing.
- 9-404. Liability insurance or bond required.
- 9-405. Revocation or suspension of franchise.
- 9-406. Mechanical condition of taxicabs.
- 9-407. Cleanliness of vehicles.
- 9-408. Inspections.
- 9-409. License and permit required for drivers.
- 9-410. Qualifications for taxicab driver's permit.
- 9-411. Revocation or suspension of taxicab driver's permit.
- 9-412. Soliciting business by drivers.
- 9-413. Parking.
- 9-414. Routes to be followed by taxicabs.
- 9-415. Use for illegal purposes.
- 9-416. Transportation of more than one passenger at same time.
- 9-417. Cleanliness of premises.
- 9-418. Refusal of passenger to pay fare.

**9-401. Definitions.** For the purposes of this chapter, the following words or terms shall have the meanings as set out herein:

(1) "Taxicab." The term "taxicab" refers to all automotive vehicles used in and upon the public streets carrying passengers for hire except motor buses or coaches operated by bus lines over designated routes in and through the city.

(2) "Taxicab business." The term "taxicab business" shall be held to mean the use of one or more taxicabs within the city for the purpose of carrying passengers for hire. (1982 Code, § 5-301)

**9-402. Franchise required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the city. (1982 Code, § 5-302)

**9-403. 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 or is not a bona fide resident of the city. Applications for taxicab franchises shall be made under

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<sup>1</sup>Municipal code reference

Privilege taxes: title 5, chapter 2.

oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other relative information as the chief of police may require. Said application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the mayor and board of commissioners; and make a recommendation to either grant or refuse a franchise to the applicant. The mayor and board of commissioners 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 mayor and board of commissioners shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs at the adoption of this code shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1982 Code, § 5-303)

**9-404. 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 of two hundred fifty thousand dollars (\$250,000.00) for bodily injury or death to any one person, six hundred thousand dollars (\$600,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and eighty-five thousand dollars (\$85,000.00) for property damage resulting from any one accident. The required insurance or bond shall inure to the benefit of the city and any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a taxicab owner, operator, or driver. A copy of said insurance policy or bond shall be filed with the city recorder, or satisfactory proof showing that same is in full force and effect shall be filed with the city recorder. (1982 Code, § 5-304, modified)

**9-405. Revocation or suspension of franchise.** The mayor and board of commissioners, after a public hearing, may revoke or suspend any taxicab franchise for repeated violations of this chapter or the traffic laws of the city by the taxicab operator or his drivers. (1982 Code, § 5-405)

**9-406. Mechanical condition of taxicabs.** It shall be unlawful for any taxicab to operate in the city unless it is equipped with proper four (4) wheel brakes, front and rear lights, tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device

attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical functions shall be kept in such condition of repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1982 Code, § 5-306)

**9-407. Cleanliness of vehicles.** Every taxicab operated in the city shall, at all times, be kept in 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. (1982 Code, § 5-307)

**9-408. Inspections.** It is hereby required that all taxicabs shall be inspected at least semiannually by the chief of police or his designee to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1982 Code, § 5-308, modified)

**9-409. License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1982 Code, § 5-309)

**9-410. Qualifications for taxicab driver's permit.** No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state chauffeur's license.
- (3) Is of sound physique, with good eyesight 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 city 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 within the last ten (10) years, drunk driving, or driving under the influence of an intoxicant or drug.
- (7) Is familiar with the state and local traffic laws.
- (8) Furnishes an annual statement from a licensed practitioner of medicine in the State of Tennessee certifying the condition of his health and his physical fitness to operate a taxicab. (1982 Code, § 5-310)

**9-411. Revocation or suspension of driver's permit.** The mayor and board of commissioners, after a public hearing, may revoke or suspend any



taxicab driver's permit for a violation of this chapter or for repeated violations of the traffic laws of the city. (1982 Code, § 5-311)

**9-412. Soliciting business by drivers.** 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. (1982 Code, § 5-312)

**9-413. Parking.**<sup>1</sup> It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked their use. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. It is further provided that there is hereby set aside for the exclusive use of taxicabs that portion of the public street surrounding Circle Park, or Fountain Park, or Main Street. Such parking spaces shall be appropriately marked to show that they are reserved for taxicabs only. (1982 Code, § 5-313)

**9-414. Routes to be followed by taxicabs.** Every taxicab driver shall be required to deliver his passengers to their destinations by the most direct available route from where the passengers enter his cab. (1982 Code, § 5-314)

**9-415. Use for illegal purposes.** No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1982 Code, § 5-315)

**9-416. Transportation of more than one passenger at the same time.** No person shall be admitted to a taxicab already occupied by a passenger without the consent of the latter. (1982 Code, § 5-317)

**9-417. Cleanliness of premises.** Each taxicab driver licensed by the city shall keep his place of business and/or cab stand in a clean and sanitary manner and shall clean the premises at least once a week. It shall be the responsibility of the chief of police or one of the officers under his direction to inspect the premises and/or cab stands located within the city at least once per month and filing a written report with the city recorder of his findings and recommendations, if any. (1982 Code, § 5-318)

**9-418. Refusal of passenger to pay fare.** It shall be unlawful for any person to refuse to pay the fare of any of the vehicles mentioned in this chapter after having hired the same, and it shall be unlawful for any person to hire any

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<sup>1</sup>Municipal code reference  
Parking: title 15, chapter 6.

vehicle herein defined with the intent to defraud the person from whom it is hired of the value of such services. (1982 Code, § 5-319)

## CHAPTER 5

### MASSAGE PARLORS AND TECHNICIANS

#### SECTION

- 9-501. Definitions.
- 9-502. Massage parlor permit--required.
- 9-503. Same--application; renewals; fees.
- 9-504. Same--investigation of applicant; grounds for denial of application.
- 9-505. Same--investigation of premises and issuance.
- 9-506. Display.
- 9-507. Same--revocation; grounds; notice to permittee.
- 9-508. Massage parlor technician permit--required.
- 9-509. Same--application; renewal; fees.
- 9-510. Same--investigation of applicant; grounds for denial of application.
- 9-511. Same--display.
- 9-512. Same--revocation; grounds; notice to permittee.
- 9-513. Suspension of permits; reinstatement.
- 9-514. Appeals from permit denials, suspension or revocations.
- 9-515. Public health card required for a massage technician.
- 9-516. Examination of massage technicians; issuance of public health card.
- 9-517. Right of entry.
- 9-518. Minimum standards for parlors.
- 9-519. Individual health requirements for technicians.
- 9-520. Unlawful acts.
- 9-521. Alcoholic beverages.
- 9-522. Penalty.

**9-501. Definitions.** For the purposes of this chapter the following phrases and words shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

1. "Massage." The administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part or the whole of the human body or the muscles or joints thereof, by any physical or mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person, or the application of body paint or other colorant to any person.

2. "Massage parlors." Any premises, place of business, or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee, or any other form of consideration, a massage, bath, body painting, or similar massage service or procedure. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath. Nor shall this definition be construed to include a barbershop or beauty salon

operated by a duly licensed barber or cosmetologist, so long as any massage administered therein is limited to the head and neck.

3. "Massage technician." Any person who administers a massage to another at a massage parlor.

**9-502. Massage parlor permit--required.** It shall be unlawful for any person to establish, maintain or operate a massage parlor in the city without a valid permit issued pursuant to this chapter or any prior ordinance.

**9-503. Same--application; renewals; fees.** 1. Any person desiring a massage parlor permit to establish, maintain or operate a massage parlor in the city shall make application to the city recorder. Each massage parlor permit application shall be accompanied by an investigation fee of one hundred dollars (\$100.00), payable to the city recorder. Each massage parlor permit shall expire one year from the date of issuance. Each renewal application shall be accompanied by an investigation fee of fifty dollars (\$50.00). Each such application shall contain the name, address and telephone number of the place where the applicant proposes to operate, maintain or establish a massage parlor in the city.

2. In addition, such application shall include a sworn statement as to whether or not the applicant (if the applicant is a partnership or association, any partner or member thereof, or if the applicant is a corporation, any officer, director or manager thereof, or any shareholder) has been convicted, pleaded nolo contendere, or suffered a forfeiture, a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in any other jurisdiction.

3. The application shall state thereon that: "It is unlawful for any person to make a false statement on this application, and discovery of a false statement shall constitute grounds for denial of an application or revocation of a permit."

4. Each applicant shall have his fingerprints taken, which fingerprints shall constitute part of the application.

5. A photograph of the applicant taken within sixty (60) days immediately prior to the date of application, which picture shall be not less than two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishable manner, shall be filed with the application.

**9-504. Same--investigation of applicant; grounds for denial of application.** 1. Upon receipt of the application and fee as provided for in § 9-503 of this code, the city recorder shall request the chief of police to make or cause to be made a thorough investigation of the criminal record of the applicant (if the applicant is a partnership or association, all partners or members thereof, or if the applicant is a corporation, all officers, directors and managers thereof, and all shareholders). The result of this investigation shall be submitted by the city recorder within thirty (30) days of this request.

2. The city recorder shall deny any application for a massage parlor permit under this chapter after notice and hearing if the city recorder finds that the applicant (if the applicant is a partnership, association or limited liability entity, any partner or member thereof, or if the applicant is a corporation, any officer, director or manager thereof, or shareholder) has within a period of two (2) years prior to application been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in this or any other jurisdiction. The making of a false statement on the application shall also be grounds for denial of this application. Notice of the hearing before the city recorder for denial of this application shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing.

**9-505. Same--investigation of premises and issuance.** The chief of police, before any massage parlor permit is issued, shall cause an investigation to be made of the premises named and described in the application for a massage parlor permit under this chapter for the purpose of determining whether the massage parlor complies with the provisions of this chapter, the zoning ordinances, all building, fire, plumbing and electrical codes, and, for this purpose, a copy of the application shall immediately be referred to the building officials to make or cause to be made a thorough investigation of the premises and the result of this investigation and whether such premises comply with the zoning, building, fire, plumbing and electrical codes, shall be submitted to the chief of police within thirty (30) days of the request.

**9-506. Display.** Every person to whom a massage parlor permit shall have been granted shall display such massage parlor permit in a conspicuous place in the massage parlor or establishment so that it may be readily seen by persons entering the premises.

**9-507. Same--revocation; grounds; notice to permittee.** 1. Power generally. The city recorder shall have the power to revoke or suspend for any period of time up to two (2) years, and shall be charged with the duty of revoking or suspending, any massage parlor permit after notice to permittee and hearing upon any grounds set forth in this section.

2. Grounds. The following shall be deemed good and sufficient grounds for revocation or suspension of massage parlor permit:

a. Upon evidence presented that the permittee (if the permittee is a partnership or association, any partner or member thereof, or if the permittee is a corporation, any officer, director, or manager thereof, or shareholder, or if the permittee is a limited liability entity, any member or manager thereof) has within a period of two (2) years been convicted,

pleaded nolo contendere or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, a felony, etc., or any provisions of this chapter on a charge of violating a similar law or ordinance of this or any other jurisdiction.

b. Discovery by the city recorder of a false statement on the application.

c. Upon evidence presented before the city recorder that the permittee (if the permittee is a partnership or association, any partner or member thereof, or if the permittee is a corporation, any officer, director or manager thereof, or shareholder, or if the permittee is a limited liability entity, any member or manager thereof) has within a period of one (1) year violated any provisions of this chapter or any other ordinance of this city or any city of this state or laws of the state relating to sexual offenses, prostitution, obscenity, or other similar offenses.

d. Upon evidence presented before the city recorder establishing that within a period of one (1) year any massage technician or other agent or person under the control or supervision of the permittee has violated any provisions of this chapter or violated any other ordinance of the city, laws of the state relating to sexual offenses, prostitution, obscenity or similar offenses.

3. Notice of hearing. Note of hearing before the city recorder for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing.

**9-508. Massage parlor technician permit--required.** It shall be unlawful for any person to perform the services of massage technician at a massage parlor in the city without a valid permit issued pursuant to this chapter or any prior ordinance.

**9-509. Same--application; renewal; fees.** 1. Any person desiring a permit to perform the services of a massage technician at a massage parlor in the city shall make application in triplicate form to the city recorder, who shall immediately refer one copy of same to the chief of police. Each such application shall state under oath the name, address, telephone number, last previous address, date of birth, place of birth, height, weight, and current and last previous employment of the applicant. In addition, such application shall state whether the applicant has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in any other jurisdiction.

2. The application shall state thereon that: "It is unlawful for any person to make a false statement on this application, and discovery of a false

statement shall constitute grounds for denial of an application or revocation of a permit."

3. Each applicant shall have his or her fingerprints taken, which fingerprints shall constitute part of the application.

4. A photograph of the applicant taken within sixty (60) days immediately prior to the date of application, which picture shall not be less than two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishable manner, shall be filed with the application.

5. Each massage technician permit shall expire one year from the date of issuance. Each renewal application shall be accompanied by an investigation fee of fifty dollars (\$50.00).

**9-510. Same--investigation of applicant; grounds for denial of application.** 1. Upon receipt of the application and fee as provided for in § 9-509 of this code, the city recorder shall request the chief of police to make or cause to be made a thorough investigation of the criminal record of the applicant. The result of this investigation shall be submitted to the city recorder within thirty (30) days of the request.

2. The city recorder shall deny any application for a massage technician permit under this chapter after notice and hearing, if the city recorder finds that the applicant has within a period of two (2) years prior to his application been convicted of a felony, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in this or any other jurisdiction. The making of a false statement on the application shall also be grounds for denial of this application. Notice of the hearing before the city recorder for denial of this application shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing.

**9-511. Same--display.** Every person to whom a massage technician permit shall have been granted shall, while in a massage parlor, carry on his or her person or display in a conspicuous place in the massage parlor or establishment, such massage technician permit.

**9-512. Same--revocation; grounds; notice to permittee.** Any massage technician permit granted under this chapter shall be revoked by the city recorder after notice and hearing if the permittee has within a period of two (2) years been convicted, pleaded nolo contendere or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in this or any other jurisdiction. Discovery of a false statement on the application shall also be grounds for revocation of the permit. Notice of the

hearing before the city recorder or revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing.

**9-513. Suspension of permits; reinstatement.** If the chief of police or the city recorder or their duly authorized representatives, find that a massage parlor or a massage technician is not in compliance with the requirements set forth in this chapter, or the permittee has refused the chief of police, the city recorder, or their duly authorized representatives the right to enter the premises to enforce the provisions of this chapter, upon report to the city recorder he may enter any order for the immediate suspension of the massage parlor permit or massage technician permit, as the case may be, until such time as he finds that the reason for such suspension no longer exists. A copy of the order shall be sent to the massage parlor and/or the massage technician at his or her place of business by certified mail, which order shall set forth the reasons for such suspension. No person shall operate a massage parlor or perform the services of a massage technician at a massage parlor when subject to an order of suspension. The city recorder shall reinstate a suspended permit when he has been satisfied that the massage parlor or massage technician complies with the applicable provisions of this chapter.

**9-514. Appeals from permit denials, suspensions or revocations.** Any applicant or permittee aggrieved by the actions of the city recorder in the denial of an application for a massage parlor permit or massage technician permit, or by the decision of the city recorder with reference to the revocation or suspension of a massage establishment permit or massage technician permit, shall have the right to appeal to the city commission. Such appeal shall be taken by filing with the city recorder, within ten (10) days after the action complained of has been taken, a written statement setting forth fully the grounds for appeal. The city recorder shall forthwith notify the city commission, which shall schedule a public hearing and shall give notice of such hearing to the appellant. The city commission may reverse or affirm or may modify any decision of the city recorder, and may make such decisions or impose such conditions as the facts may warrant; and it may order that a permit be granted, suspended or revoked. The decision and order of the city commission on such appeal shall be final and conclusive.

**9-515. Public health card required for a massage technician.** It shall be unlawful for any person to perform the services of massage technician at a massage parlor in the city without a valid public health card issued pursuant to this chapter or any prior ordinance.

**9-516. Examination of massage technicians; issuance of public health card.** 1. All persons who desire to perform the services of massage



technician at a massage parlor shall first undergo a physical examination for contagious and communicable diseases, which shall include a recognized blood test for syphilis, a culture for gonorrhea, a chest x-ray which is to be made and interpreted by a trained radiologist, and shall furnish a certificate based upon and issued within thirty (30) days of such examination by the Monroe County Health Department and stating that the person examined is either free from any contagious or communicable disease or incapable of communicating any of such diseases to others. Such persons shall undergo the physical examination referred to above and submit to the city recorder the certificate required herein within five (5) days of the commencement of their employment and at least once every six (6) months thereafter.

2. When there is cause to believe that the massage technician is capable of communicating any contagious disease to others, the city recorder may at any time require an immediate physical examination of any such person.

3. The employer of any such person shall require all such persons to undergo the examination and obtain the certificate provided by this section, shall register at the place of employment the name and date of employment of each employee, and shall have the health cards and registration of all employees available for the chief of police, or the city recorder, or their duly authorized representative at all reasonable times.

**9-517. Right of entry.** The chief of police or the city recorder or their duly authorized representatives are hereby authorized to enter, examine and survey any premises in the city for which a massage parlor permit has been issued pursuant to this chapter to enforce the provisions of this chapter, and for no other purpose. Should the authority to inspect premises be delegated to another person, such person shall be proved with written delegation of authority to be shown to the permittee upon request at the time of inspection. If such inspection reveals conditions which in the opinion of the inspector warrants a more thorough inspection by the building official, the Monroe County Health Department, the bureau of fire prevention, or similar person or agency charged with responsibility for the enforcement of particular health and safety ordinances or laws of the city or state, he shall report such condition to such person or agency and request that such premises be examined and any findings be reported to the chief of police and the city recorder. This section shall not be deemed to restrict or to limit the right of entry otherwise vested in any law enforcement of health and safety or criminal laws wherein such right of entry is vested by other ordinances or laws.

**9-518. Minimum standards for parlors.** No massage parlor shall be operated, established or maintained in the city that does not comply with the following minimum standards:

1. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering

massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.

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

3. Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.

4. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.

5. Oils, creams, lots or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

6. Adequate bathing, dressing, locker and toilet facilities shall be provided for the patrons to be served at any given time. Separate bathing, dressing, locker and toilet facilities shall be provided for male and female patrons.

7. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

8. The premises shall be equipped with a service sink for custodial services.

9. Eating in the massage work areas shall not be permitted.

10. Animals, except for seeing eye dogs, shall not be permitted in the massage work areas.

11. No massage parlor shall employ a massage technician who does not comply with the provisions of this chapter.

**9-519. Individual health requirements for technicians.** No massage technician shall administer massage at a massage parlor who does not comply with the following individual health requirements:

1. No massage technician shall administer a massage if such massage technician knows or should know that he or she is not free of any contagious or communicable disease.

2. No massage technician shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption; provided that a physician duly licensed by the state may certify that such person may be safely massaged, and prescribing the conditions thereof.

3. Each massage technician shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each person.

**9-520. Unlawful acts.** 1. It shall be unlawful for any person in a massage parlor to place his or her hand or hands upon or to touch with any part of his or her body, or to fondle in any manner, or to massage, a sexual or genital part of any other person.

2. It shall be unlawful for any person in a massage parlor to expose his or her sexual or genital parts, or any portion thereof, to any other person of the opposite sex.

3. It shall be unlawful for any person while in the presence of any other person of the opposite sex in a massage parlor to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body.

4. It shall be unlawful for any person owning, operating or managing a parlor knowingly to cause, allow or permit in or about such massage parlor any agent, employee, or any other person under his control or supervision to perform such acts prohibited in this chapter.

5. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breast of a female.

6. Every person owning, operating or managing a massage parlor shall post a copy of this chapter in a conspicuous place in the massage parlor so that it may be readily seen by persons entering the premises.

7. It shall be unlawful for any massage parlor to provide massage services at any time between the hours of 9:00 P.M. to 7:00 A.M. and on Sundays; however, it shall be lawful for such establishments to remain open for the transaction of other lawful business.

8. The administering of massage shall not be conducted in private rooms or areas, but shall be conducted in separate general areas for males and females, or if the same general area is used by both male and female customers, then different times for such separate use shall be designated and posted.

9. It shall be unlawful for any person in a massage parlor to administer a massage to a person of the opposite sex.

**9-521. Alcoholic beverages.** No beer or alcoholic beverages may be sold, served or consumed upon any premises holding a license as provided for in this chapter.

**9-522. Penalty.** Any person violating any of the provisions of this chapter, upon conviction by the court, shall be fined in accordance with the general penalty provision of this code for each violation, and each day of violation of any provision of this chapter shall constitute a separate offense.

## CHAPTER 6

### ADULT-ORIENTED ESTABLISHMENTS

#### SECTION

- 9-601. Definitions.
- 9-602. License required.
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- 9-605. Permit required.
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- 9-612. Hours of operation.
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- 9-614. Prohibitions and unlawful sexual acts.
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**9-601. Definitions.** For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

1. "Adult bookstore" means an establishment having as a substantial or significant portion of its stock and trade in books, films, video cassettes, compact discs, computer software, computer generated images or text, or magazines and other periodicals or publications or reproductions of any kind which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical area" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

2. "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

3. "Adult entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

4. "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by any means by patrons therein.

5. "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by any means by patrons therein.

6. "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

7. "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

8. "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

9. "Mayor and board of commissioners" means the Mayor and Board of Commissioners of the City of Sweetwater, Tennessee.

10. "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

11. "Specified sexual activities" means:

- a. Human genitals in a state of actual or simulated sexual stimulation or arousal;
- b. Acts or simulated acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

12. "Specified anatomical areas" means:

- a. Less than completely and opaquely covered:
  - i. Human genitals, pubic region;
  - ii. Buttocks;
  - iii. Female breasts below a point immediately above the top of the areola; and
- b. Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered.

**9-602. License required.** 1. Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of Sweetwater without first obtaining a license to operate issued by the City of Sweetwater.

2. A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

3. No license or interest in a license may be transferred to any person, partnership, or corporation.

4. It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

5. All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty day (120) period, then such existing adult-oriented establishment shall cease operations.

6. No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with.

**9-603. Application for license.** 1. Any person, partnership, or corporation desiring to secure a license shall make application to the City Recorder of the City of Sweetwater. The application shall be filed in triplicate

with and dated by the city recorder. A copy of the application shall be distributed promptly by the city recorder to the police chief and to the applicant.

2. The application for a license shall be upon a form provided by the police chief. An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five (5) percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

- a. Name and addresses, including all aliases.
- b. Written proof that the individual(s) is at least eighteen (18) years of age.
- c. All residential addresses of the applicant(s) for the past three (3) years.
- d. The applicants' height, weight, color of eyes and hair.
- e. The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.
- f. Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
- g. All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- h. Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of each applicant.
- i. The address of the adult-oriented establishment to be operated by the applicant(s).
- j. The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.
- k. If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.
- l. The length of time each applicant has been a resident of the City of Sweetwater, or its environs, immediately preceding the date of the application.
- m. If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.

n. A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

o. All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address, phone number, and representative's name.

p. Evidence in form deemed sufficient to the police chief that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

3. Within ten (10) days of receiving the results of the investigation conducted by the Sweetwater Police Department, the city recorder shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the city recorder shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the mayor and board of commissioners.

4. Whenever an application is denied or held for further investigation, the city recorder shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the mayor and board of commissioners at which time the applicant may present evidence as to why his/her license should not be denied. The board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented license is denied by the mayor and board of commissioners and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Monroe County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

5. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the city recorder.



**9-604. Standards for issuance of license.** 1. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

- a. If the applicant is an individual:
    - i. The applicant shall be at least eighteen (18) years of age.
    - ii. The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
    - iii. The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.
  - b. If the applicant is a corporation:
    - i. All officers, directors and stockholders required to be named under § 9-603 shall be at least eighteen (18) years of age.
    - ii. No officer, director or stockholder required to be named under § 9-603 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.
  - c. If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:
    - i. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
    - ii. No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
    - iii. No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.
2. No license shall be issued unless the Sweetwater Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the police chief no later than twenty (20) days after the date of the application.

**9-605. Permit required.** In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments,"

no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief.

**9-606. Application for permit.** 1. Any person desiring to secure a permit shall make application to the police chief. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

2. The application for a permit shall be upon a form provided by the police chief. An applicant for a permit shall furnish the following information under oath:

- a. Name and address, including all aliases.
- b. Written proof that the individual is at least eighteen (18) years of age.
- c. All residential addresses of the applicant for the past three (3) years.
- d. The applicant's height, weight, color of eyes, and hair.
- e. The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- f. Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.
- g. All criminal statutes, whether federal, state or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- h. Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.
- i. The length of time the applicant has been a resident of the City of Sweetwater, or its environs, immediately preceding the date of the application.

j. A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

3. Within ten (10) days of receiving the results of the investigation conducted by the Sweetwater Police Department, the police chief shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the police chief shall advise the applicant in writing whether the application is granted or denied.

4. Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of

notification of denial, a public hearing shall be held thereafter before the mayor and board of commissioners at which time the applicant may present evidence bearing upon the question.

5. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the police chief.

**9-607. Standards for issuance of permit.** 1. To receive a permit as an employee or entertainer, an applicant must meet the following standards:

a. The applicant shall be at least eighteen (18) years of age.

b. The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.

c. The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

2. No permit shall be issued until the Sweetwater Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the police chief not later than twenty (20) days after the date of the application.

**9-608. Fees.** 1. A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (½) of the fee shall be returned.

2. A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied, one-half (½) of the fee shall be returned.

**9-609. Display of license or permit.** 1. The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

2. The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Sweetwater Police Department, or any person designated by the mayor and board of commissioners.

**9-610. Renewal of license or permit.** 1. Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall

make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the operator. The application for renewal shall be on a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the mayor and board of commissioners.

2. A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half ( $\frac{1}{2}$ ) of the total fees collected shall be returned.

3. If the Sweetwater Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the police chief.

4. Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the employee. The application for renewal shall be upon a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the mayor and board of commissioners.

5. A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied one-half ( $\frac{1}{2}$ ) of the fee shall be returned.

6. If the Sweetwater Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief.

**9-611. Revocation of license or permit.** 1. The police chief shall revoke a license or permit for any of the following reasons:

a. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

b. The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

c. The operator or employee becomes ineligible to obtain a license or permit.

d. Any cost or fee required to be paid by this chapter is not paid.

e. An operator employs an employee who does not have a permit or provide space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

f. Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

g. Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

h. Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

i. Any operator allows continuing violations of the rules and regulations of the Monroe County Health Department.

j. Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

k. Any minor is found to be loitering about or frequenting the premises.

2. The police chief, before revoking or suspending any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the mayor and board of commissioners, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

3. The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator. Such license shall thereby become null and void.

4. Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of

revocation. No location or premises for which a license has been issued shall be used as an adult oriented establishment for two (2) years from the date of revocation of the license.

**9-612. Hours of operation.** 1. No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Mondays through Saturdays, and between the hours of 1:00 A.M. and 12:00 P.M. on Sundays.

2. All adult-oriented establishments shall be open to inspection at all reasonable times by the Sweetwater Police Department, the Monroe County Sheriff's Department, or such other persons as the mayor and board of commissioners may designate.

**9-613. Responsibilities of the operator.** 1. The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the mayor and board of commissioners. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

2. The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the Sweetwater Police Department at all reasonable times.

3. Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

4. An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

5. There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Sweetwater Police Department at all reasonable times.

6. No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

7. Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

8. The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

9. No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

10. A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is Regulated by the City of Sweetwater Municipal Code. Entertainers are:

- a. Not permitted to engage in any type of sexual conduct;
- b. Not permitted to expose their sex organs;
- c. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

**9-614. Prohibitions and unlawful sexual acts.** 1. No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

2. No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.

3. No operator, entertainer, or employee shall encourage or permit any other person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals of any other person.

4. No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

5. No entertainer, employee or customer shall be permitted to have any physical contact with any other on the premises during any performance

and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer.

**9-615. Penalties and prosecution.** 1. Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

2. Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.



## CHAPTER 7

### CABLE TELEVISION

#### SECTION

9-701. Regulation of rates charged for cable television service and equipment.

9-702. Definitions.

**9-701. Regulation of rates charged for cable television service and equipment.** Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 453, and Federal Communications Commission action under the authority of said Act certifying the City of Sweetwater to regulate basic cable television service within the boundaries of the City of Sweetwater; and for the purpose of regulating the rates charged to customers of any cable television operator franchised by the City of Sweetwater, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, §§ 76.900 through 76.985, are hereby adopted and incorporated by reference as part of this code. (Ord. #660, Feb. 1994)

**9-702. Definitions.** Whenever the regulations cited in § 9-801 refer to "franchising authority," it shall be deemed to be a reference to the Board of Commissioners of the City of Sweetwater, Tennessee. (Ord. #660, Feb. 1994)

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

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping within three hundred feet of a residence or place of business.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Water, shelter, ventilation, and food for confined animals.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruelty to animals.
- 10-107. Impoundment and disposition.
- 10-108. Dangerous or mischievous animals.
- 10-109. Butchering.
- 10-110. Bird sanctuary designated.
- 10-111. Overloading animals or animal drawn vehicles.
- 10-112. Rat control, other pests, etc.
- 10-113. Reptiles and wild animals.
- 10-114. Rescuing impounded animals.
- 10-115. Wild animals.
- 10-116. Poisoning or trapping of animals prohibited.
- 10-117. Dead animals.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cattle, cows, swine, sheep, horses, mules, goats, or any offensive animal, or any chickens, ducks, geese, turkeys, or other domestic fowl, to permit any of them to run at large in any street, alley, or unenclosed lot within the city. (1982 Code, § 3-101)

**10-102. Keeping within three hundred feet of a residence or place of business.** No person shall keep any cattle, cows, swine, sheep, horses, mules, or goats within three hundred (300) feet of any residence or place of business in the city without a permit so to do from the health officer and/or animal control officer. The health officer and/or animal control officer shall issue permits only when in his sound judgment the keeping of such animals in the yards or buildings under the circumstances as set forth in the application for the permit

will not injuriously affect the public health. Any person aggrieved by the health officer's and/or animal control officer's decision in such cases may appeal same to the mayor and board of commissioners. (1982 Code, § 3-103, modified)

**10-103. Pen or enclosure to be kept clean.** Where animals or fowls are kept within the city, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1982 Code, § 3-106)

**10-104. Water, shelter, ventilation, and food for confined animals.** No animal or fowl of any kind shall be kept or confined in any place where the water, shelter, ventilation and food are not adequate and sufficient for the preservation of their health, safe condition, and wholesomeness for the food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1982 Code, § 3-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1982 Code, § 3-104)

**10-106. Cruelty to animals.** It shall be unlawful for any person inhumanely, unnecessarily, or cruelly to beat, abuse, neglect, or otherwise injure any dumb animal. (1982 Code, § 3-109, modified)

**10-107. Impoundment and disposition.**<sup>1</sup> Any animal or fowl found running at large in violation of this chapter may be taken up by any policeman and impounded. The impounding officer shall post notices in at least three (3) public places briefly describing the animal or fowl, reporting its impoundment, and giving the date and place that said animal or fowl is to be sold if not claimed by the owner upon payment of the impounding fee of twenty-five dollars (\$25.00) per head and five dollars (\$5.00) per head per day for water and feed. The owner shall also be liable for such fine and costs as the city judge may assess for the violation of the code section involved. In the event any animal or fowl is not claimed within the prescribed time, it may be sold at public auction at the time and place as advertised to the highest bidder for cash. In the absence of a bidder or purchaser at such sale, said animal or fowl may be humanely destroyed or otherwise disposed of for the benefit of the city. The requirements of this section

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<sup>1</sup>Municipal code reference

Impoundment and/or destruction of dogs and cats: § 10-214.

shall not apply to the impoundment and disposition of dogs and cats. (1982 Code, § 3-111, modified)

**10-108. Dangerous or mischievous animals.** It shall be unlawful for any person owning or being in charge of a dangerous or mischievous animal to permit the same to run at large. (1982 Code, § 3-102)

**10-109. Butchering.** It shall be unlawful for any person to butcher any beef, hog, or sheep within the city unless the same be done in strict accordance with the state laws, rules, and regulations in effect at the time. (1982 Code, § 3-107)

**10-110. Bird sanctuary designated.** The entire area embraced within the corporate limits of the City of Sweetwater be and is hereby designated as a bird sanctuary. It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot or molest in any manner, any bird or wild fowl or to rob bird nests. Provided, however, if starlings, pigeons or similar birds are found to be congregating in such numbers in a particular locality that constitute a nuisance or menace to health or property in the opinion of the City of Sweetwater, then in such event the city may take such action as deemed appropriate.

**10-111. Overloading animals or animal drawn vehicles.** It shall be unlawful for any person to overload any animal or any animal-drawn vehicle used for the conveyance of property or persons in the city. When anyone is found so doing, it shall be the duty of any policeman to notify the person in charge at once to remove from such animal or vehicle so much of the load as may be necessary to relieve the over-burdened animal carrying or attached to said load. (1982 Code, § 3-111)

**10-112. Rat control, other pests, etc.** The humane officer<sup>1</sup> shall be obligated to enforce and carry out all rat control and other pest control ordinances or programs of the City of Sweetwater and may, from time to time, be delegated other related duties by the mayor and board of commissioners. (1982 Code, § 3-112)

**10-113. Reptiles and wild animals.** It shall be unlawful for any person authorized by law to keep or maintain any poisonous reptiles, constrictors, or dangerous carnivorous wild animals without first having registered such reptiles or animals with the health officer and/or animal control officer. Such

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<sup>1</sup>Municipal code reference

Humane officer duties, etc.: § 10-208.

reptiles and animals shall be securely housed and enclosed so as not to do any injury to or annoy any person.

**10-114. Rescuing impounded animals.** It shall be unlawful for any person to rescue or attempt to rescue any animal which has been impounded or which is in the possession of an officer, agent, or official of the city.

**10-115. Wild animals.** The animal control officer is hereby authorized to apprehend any wild animal that may be at large within the city. Such wild animal may be impounded, released in wild areas outside the city, or destroyed, as the animal control officer, in his discretion, shall determine subject to the applicable state laws. Animal control officers are authorized to use any tranquilizer guns, firearms, or any other suitable devices to subdue or destroy any animal that is deemed by the animal control officer, in his discretion, to be of a danger to itself or the public health and safety.

Any animal brought into the City of Sweetwater for purposes of display in any carnival, menagerie, or circus shall be fully confined in a secure cage and shall not be removed from the cage under any circumstances.

**10-116. Poisoning or trapping of animals prohibited.** It shall be a civil offense for any person to poison or to trap any animal, or aid, abet or assist in the poisoning or trapping or the putting out or placing of poison or a trap at any point or place outside of buildings within the corporate limits of the city where dogs, cats or other domesticated animals may secure or encounter the same. Provided, however, in instances where any animal by reason of damage to property, danger to life, or threat to public health becomes a nuisance, a live, humane trapping method approved by the board may be used.

**10-117. Dead animals.** No person shall place or leave the carcass of any dead animal or fowl in any street, alley or lot, or allow the same to remain on his lot.

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Rabies vaccination required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Dogs and cats in food service establishments.
- 10-205. Vicious dogs and cats to be securely restrained.
- 10-206. Dogs killing waterfowl.
- 10-207. Barking or howling dogs.
- 10-208. Pet shop and grooming services inspections.
- 10-209. Pound to be provided.
- 10-210. Pen or enclosure to be kept clean.
- 10-211. Water, shelter, ventilation, and food for confined animals.
- 10-212. Keeping in such manner as to become a nuisance prohibited.
- 10-213. Cruelty to animals.
- 10-214. Impoundment and/or destruction of dogs and cats.
- 10-215. Adoption of impounded animals permitted.
- 10-216. Humane officer--duties, etc.
- 10-217. Dog and cat kennels--licenses, etc.
- 10-218. Deleted.
- 10-219. Removal of excrement.

**10-201. Rabies vaccination required.**<sup>1</sup> It shall be unlawful for any person to own, keep, or harbor any dog or cat more than three (3) months old which has not been vaccinated against rabies as required in this section. Only a vaccine that meets the standards prescribed by the United States Department of Agriculture for interstate sale shall be used. The vaccination shall be made annually by or under the supervision of a licensed veterinarian. The veterinarian making the vaccination shall collect his fee for the same from the owner of the dog or cat, shall issue a vaccination tag, and shall sign and issue a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the dog or cat should be revaccinated, description and sex of the dog or cat vaccinated, and the type and lot number of vaccine administered. The certificate shall be prepared in triplicate; the original shall be given to the owner, first copy filed in the office of the local health department, and the second copy retained by the person administering the

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-101 through 68-8-114.

vaccine. The certificate form shall be the same as prepared and distributed by the state department of public health. (1982 Code, § 3-201)

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

**10-203. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits. A dog or cat shall be deemed to be running at large unless confined to the owner's premises or unless accompanied by a person actually in control of such dog or cat either by leash or by calls or commands which such dog or cat will obey. (1982 Code, § 3-205)

**10-204. Dogs and cats in food service establishments.** No dog or cat shall be permitted or kept for any period of time in any room in which food is prepared, processed, stored, or sold in any restaurant or other food service establishment licensed by the city. This section shall not apply to guide dogs accompanied by blind customers of such establishments nor to police patrol dogs accompanied by a police officer in the course of his duties.

**10-205. Vicious dogs and cats to be securely restrained.** It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or otherwise securely restrained as reasonably to provide for the protection of other animals and persons. (1982 Code, § 3-203)

**10-206. Dogs killing waterfowl.** Any dog found in the act of killing waterfowl in the city may be summarily destroyed by the animal control officer or any police officer if such animal cannot be apprehended after reasonable effort.

**10-207. Barking or howling dogs.** No person shall keep or harbor any dog which, by loud or frequent habitual barking, yelping, or howling shall become an annoyance or nuisance to any neighbor of the owner or to people passing upon the streets. (1982 Code, § 3-204)

**10-208. Pet shop and grooming services inspections.** The animal control officer, code enforcement officer, or any police officer of the city shall have the right to inspect any pet shop within the city to determine whether the

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<sup>1</sup>State law reference

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

pet shop is in compliance with the provisions of this chapter and other ordinances of the city.

The chief of police, and/or animal control officer, shall have the authority to set standards of cleanliness, humane treatment, and any other reasonable factor regarding the operation of a pet shop.

**10-209. Pound to be provided.** The city shall establish a dog and cat pound for keeping impounded dogs and cats. The pound may be operated directly by the city or it may be operated by a veterinarian or other suitable person under a contract with the city. (1982 Code, § 3-206)

**10-210. Pen or enclosure to be kept clean.** Where dogs or cats are kept within the city, the building structure, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.

**10-211. Water, shelter, ventilation, and food for confined animals.** No dog or cat of any kind shall be kept or confined in any place where the water, shelter, ventilation and food are not adequate and sufficient for the preservation of their health, safe condition, and wholesomeness for the food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

**10-212. Keeping in such manner as to become a nuisance prohibited.** No dog or cat shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason.

**10-213. Cruelty to animals.** It shall be unlawful for any person inhumanely, unnecessarily, or cruelly to beat, abuse, or otherwise injure any dog or cat.

**10-214. Impoundment and/or destruction of dogs and cats.**<sup>1</sup>

(1) **Impoundment.** (a) All dogs and cats running at large on private or public property, except on the premises of the person owning, possessing, harboring or concealing said dog or cat or in a city designated dog park, or otherwise being kept in violation of this chapter, may be impounded by the health officer, dog catcher, humane officer or any policeman.

(b) No person shall hide, conceal or aid or assist in hiding or concealing any dog owned, kept or harbored in violation of any of the provisions of this chapter.

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<sup>1</sup>Municipal code reference

Impoundment and disposition: § 10-107.



(c) No person shall interfere with or hinder any police officer or any city official, including the dog catcher, in the discharge or apparent discharge of their duty enforcing the provisions of this section.

(d) When, in lawfully attempting to impound a dog or cat, an officer - including the dog catcher - finds that they cannot do so in safety because of the vicious nature of such dog or cat, they may summarily destroy it.

(2) Notice. If the owner of an impounded dog or cat is known, they shall be given notice in person or by posting on the premises where the dog(s) or cat(s) is kept. If the owner is not known, the address where the dog or cat is kept and the mailing address of the owner is not known, a notice describing the impounded dog or cat shall be posted in a conspicuous place at city hall. The notice shall advise the owner to appear within three (3) days from the date of such notice and redeem his dog or cat or else it will be disposed of as hereinafter provided.

(3) Redemption. In order to redeem their dog or cat, the owner must pay:

(a) All outstanding fines and costs imposed for prior violations of this chapter and

(b) Fifty dollars (\$50.00) per dog or cat for each time each dog or cat is impounded,

(c) A boarding fee of twenty-five dollars (\$25.00) per day per dog or cat, plus

(d) Any cost incurred by the city for rabies vaccination, notice of which shall be included in the notice of impoundment. Impound and boarding fees are distinct from fines and costs levied upon conviction for violations of city code. There shall be no redemption of dogs or cats for which their owners have twice been found guilty of running at large violations or other provisions of this chapter.

(4) Adoption or destruction. If an impounded dog or cat is not redeemed within five (5) days after the date the notice is posted or given, it may be adopted or destroyed in a humane manner. Adoption or destruction by the city may be accomplished by the city, the Monroe County Animal Shelter or other animal shelter.

(5) Rabies vaccination and tag. In no event shall a dog or cat be released from the pound unless it has been vaccinated and had a tag evidencing such vaccination placed on its collar.

(6) Citations. A citation may issue for any person owning, possessing, harboring or concealing a dog or cat found running at large notifying them to appear in city court on a date and time certain to answer the violations for which they are cited. If such person fails to appear, a default judgment may be taken against them for penalties authorized in subsection (7).

(7) Penalties. Any person owning, possessing, harboring or concealing a dog or cat found by the city judge to have been running at large, to be vicious

or dangerous and not confined or securely restrained, and/or to be in violation of other provisions of this chapter:

- (a) May be fined up to fifty dollars (\$50.00) and
  - (b) Taxed with court costs for each dog or cat cited for each separate violation. In addition to, or in mitigation of, said penalties, the court may order such dog(s) and/or cat(s)
  - (c) Banished from the city,
  - (d) Confined in and to a specific place and manner, or
  - (e) Surrendered to the city, voluntarily or by order of the court.
- (Ord. #753, Oct. 2002, as amended by Ord. #994, Jan. 2022 *Ch7\_02-07-22*, and replaced by Ord. #999, May 2022 *Ch8\_08-05-24*)

**10-215. Adoption of impounded animals permitted.** Any domestic animal which has been confined at the animal shelter and not claimed by its owner as provided in this chapter may be adopted by responsible adults to be kept only as household pets. Those desiring to adopt an animal shall be required to complete a questionnaire containing such information as may be necessary to determine suitability of pet ownership. Further, those desiring to adopt an animal shall be required to sign a contract with the City of Sweetwater or its designated representative agreeing to have the animal examined by a licensed veterinarian within forty-eight (48) hours of adoption and immunized as recommended, to have the animal surgically sterilized as stipulated in the adoption contract, fees for said sterilization to be shared as specified in the agreement with the local humane society, to obey all local and state ordinances pertaining to the keeping of animals as pets and to return the animal to the animal shelter if the terms of the contract cannot be met.

**10-216. Humane officer--duties, etc.**<sup>1</sup> The mayor and board of commissioners may from time to time employ a part or full time humane officer, or officers, whose main duties shall be the enforcement of all ordinances relating to animals and fowls and any other related ordinances and he shall be in charge of the dog and cat pound and the maintenance of the same. This officer shall have all of the authority provided under the laws of the State of Tennessee and the City of Sweetwater for this purpose and all city policemen and city firemen shall render assistance to him when so requested in performing his official duties hereunder. (1982 Code, § 3-208)

**10-217. Dog and cat kennels--licenses, etc.** Any person or corporation engaging in the buying and selling of dogs, cats, or pets, or boarding or caring for the same shall be required to obtain an annual kennel operators license from

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<sup>1</sup>Municipal code reference

Rat control and other pests: § 10-112.

the city upon the payment to the city of the appropriate privilege tax. However, no such license shall be issued until the owner establishes to the satisfaction of the humane officer and code enforcement officer or the city health officer that he has erected and is able to maintain satisfactory facilities including proper sewage disposal facilities. (1982 Code, § 3-209, modified)

**10-218. Deleted.** (1982 Code, § 3-210, as amended by Ord. #753, Oct. 2002, modified, and deleted by 999, May 2022 *Ch8\_08-05-24*)

**10-219. Removal of excrement.** A dog owner shall clean up and remove any excrement left by their dog(s) on any public property or private property not owned or lawfully possessed by the dog owner. Violations of this section shall be punishable by a fifty dollar (\$50.00) fine and court costs. (as added by Ord. #999, May 2022 *Ch8\_08-05-24*)

## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

- 11-101. Drinking beer, etc., on streets, etc.
- 11-102. Drinking beer, etc., or throwing containers on private property without permission.

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1982 Code, § 10-229)

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7, chapter 2.

Traffic offenses: title 15.

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

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

**11-102. Drinking beer, etc., or throwing containers on private property without permission.** It shall be unlawful for any person to drink or consume or have an open can or bottle of beer or intoxicating liquor on, or to throw a container therefor on the private property of any other person within the city without said property owner's express or implied permission. (1982 Code, § 10-228)

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

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1982 Code, § 10-234)

## CHAPTER 3

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Disorderly houses prohibited.

**11-301. Disturbing the peace.** (1) No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

(2) It shall be an offense for any person to intentionally conceal said person's identity by wearing a mask, hood or other device or means of disguise covering the face:

(a) For the purpose of facilitating the commission of any public offense, including the intent to intimidate, threaten, abuse, or harass any other person;

(b) Where it is probable that a reasonable person will be placed in fear for their personal safety by the subject's actions, with reckless disregard for that probability;

(c) For the purpose of evading or escaping discovery, recognition, identification or capture in the commission of or subsequent to the commission of any public offense; or

(d) For the purpose of concealment, flight or escape, when charged with, arrested for or convicted of any public offense. (1982 Code, § 10-202, as amended by Ord. #953, Nov. 2017)

**11-302. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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



application being made at the time the permit for the work is awarded or during the process of the work.

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1982 Code, § 10-233)

**11-303. Disorderly houses prohibited.** (1) No person who manages or controls any building, room or enclosure, either as its owner, lessee, agent or employee shall allow or permit prostitution, drunkenness, unlawful sale or alcoholic beverages, gambling, quarreling, fighting, rowdiness or loud noise sufficient to constitute a breach of the peace.

(2) No person who manages or controls any building, room or enclosure, either as an owner, lessee, agent or employee shall knowingly rent, lease or make available for use, with or without compensation, any building, room or enclosure to any tenant or occupant who unlawfully manufactures,

delivers, sells, stores, gives away or uses any regulated legend drug, narcotic, or other controlled substance as defined in Tennessee Code Annotated, § 39-17-402 and Tennessee Code Annotated, § 53-10-101.

(a) A person who manages or controls any building, room or enclosure shall have knowingly rented, leased or made available for use, with or without compensation, such building, room or enclosure, to a tenant or occupant who unlawfully manufactures, delivers, sells, stores, gives away or uses a regulated legend drug, narcotic, or other controlled substance if, after receiving written notice from the Sweetwater Police Department ("SPD") that the occupant or tenant has been engaged in such illegal drug activity, they fail to evict the tenant or occupant from the building, room or enclosure.

(b) Upon learning of suspected illegal drug activity involving a tenant or occupant of a building, room or enclosure, SPD shall determine whether such activity is in fact taking place. Once SPD determines that a tenant or occupant is in fact manufacturing, delivering, selling, storing, giving away or using regulated legend drugs, narcotics, or other controlled substances and that enforcement of this subsection would not hinder further criminal prosecution, SPD shall serve a written notice on the person(s) who manages or controls the property, informing them of the investigation and their responsibility to prohibit illegal drug activity on the property.

(c) If requested, SPD shall provide the person(s) managing or controlling the property with evidence that their tenant or occupant is illegally manufacturing, delivering, selling, storing, giving away or using regulated legend drugs, narcotics, or other controlled substances before requiring them to evict the tenant or occupant.

(d) SPD shall serve the notice on the person who manages or controls the building, room or enclosure that one of their tenants or occupants is engaged in such illegal drug activity by a means of service authorized by Tenn.R. Civ.P. Rule 4.04.

(3) No person shall be charged with a violation of this section if such person:

(a) Instituted eviction proceedings within thirty (30) days of the receipt of the notice of illegal activities of the tenant; and

(b) Has completed the eviction proceedings within forty-five (45) days of commencement of the proceedings; or

(c) Cannot complete eviction proceedings within forty-five (45) days by reason of a court-ordered delay in such proceedings.

(4) The conditions prohibited by this section are inherently part of the Sweetwater ordinances regulating building and property maintenance that violations of this section may be prosecuted by in addition to hearings before the office of administrative hearing officer under the jurisdiction vested by

Tennessee Code Annotated, § 6-54-1002(a) and Sweetwater ordinance 894 or before the city judge. (as added by Ord. #1014, Feb. 2023 ***Ch8\_08-05-24***)

## CHAPTER 4

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

11-401. Impersonating a government officer or employee.

11-402. False emergency alarms.

11-403. Coercing people not to work.

11-404. Escape from custody or confinement.

11-405. Resisting or interfering with city personnel.

**11-401. Impersonating a government officer or employee.** No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1982 Code, § 10-211)

**11-402. False emergency alarms.** It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1982 Code, § 10-217)

**11-403. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1982 Code, § 10-230)

**11-404. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1982 Code, § 10-209)

**11-405. Resisting or interfering with city personnel.** (1) It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties.

(2) It shall be an offense for any person to wear a mask, hood or other device or means of disguise which conceals said person's identity, with intent to obstruct the enforcement or execution of the law, or to intimidate, hinder or interrupt an officer or other person in the lawful performance of their duty, whether such intent is effected or not. (1982 Code, § 10-210, as amended by Ord. #953, Nov. 2017)

**CHAPTER 5****FIREARMS, WEAPONS AND MISSILES****SECTION**

11-501. Air rifles, etc.

11-502. Throwing of missiles.

11-503. Discharge of firearms.

**11-501. 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. (1982 Code, § 10-213)

**11-502. Throwing of missiles.** It shall be unlawful for any person to throw maliciously any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1982 Code, § 10-214)

**11-503. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits.

## CHAPTER 6

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

11-601. Trespassing.

11-602. Interference with traffic.

**11-601. Trespassing.** (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. 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.<sup>1</sup>

**11-602. 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.

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<sup>1</sup>Municipal code reference

Provisions governing peddlers: title 9, chapter 2.

## CHAPTER 7

### MISCELLANEOUS

#### SECTION

11-701. Abandoned refrigerators, etc.

11-702. Caves, wells, cisterns, etc.

11-703. Posting notices, etc.

11-704. Curfew for minors.

11-705. Use of Engleman Park.

11-706. Use of city property.

**11-701. Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1982 Code, § 10-223)

**11-702. Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1982 Code, § 10-231)

**11-703. Posting notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1982 Code, § 10-227)

**11-704. Curfew for minors.** It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 12:30 A.M. and 6:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1982 Code, § 10-224, modified)

**11-705. Use of Engleman Park.** It shall be unlawful for any person to use Engleman Park except during the hours of 8:00 A.M. to 10:00 P.M. each day when the park is lawfully open unless such person has special permission from the recreation and parks commission or the mayor and board of commissioners. (1982 Code, § 10-236)



**11-706. Use of city property.**<sup>1</sup> (1) Municipal offense. Use of any real property of the City of Sweetwater, and/or any and all improvements affixed thereto or located on such real property, without permission or in violation of the following Code of Conduct shall constitute an offense punishable to the fullest extent authorized for enforcement of ordinances by the Sweetwater Municipal Code and the laws of the State of Tennessee. Each violation of said code shall constitute a separate offense. Prosecution of such violations as a punishable offense shall be in addition to the enforcement rules and regulations set forth in said code, regardless of the order in which such enforcement or punishment is exercised.

(2) Overview and definitions. No individual may engage in conduct contrary to this code of conduct on or in any city property. When possible, the city employee responsible for the city property will first educate individuals about the applicable policies before taking stronger measures to enforce those policies. A copy of subsection (3) of this ordinance shall be prominently posted on, at or near the entrance to every city property.

(a) "City property," sometimes referred to "property" or "premises" includes all property titled to or under the control, contractual or otherwise, of the City of Sweetwater, Tennessee.

(b) "Conduct" includes any individual or group activity which unreasonably interferes with or unreasonably disturbs another individual's lawful use and enjoyment of city property, or any activity which is otherwise inconsistent with the activities, programs, and services normally associated with such property. This ordinance does not distinguish between conduct and behavior, and as used in this ordinance, conduct includes all behaviors. For purposes of this ordinance, conduct shall include, without limitation by enumeration, the following conduct or behaviors which the board of commissioners and mayor find compromises the use and enjoyment of city property, and the safety, security and maintenance thereof.

(c) "Issuing employee" means that person employed by the city, who is responsible for the city property where they observe prohibited conduct or behavior, or to whom prohibited conduct or behavior is reported by someone who did observe the conduct.

(3) Code of conduct. The "code of conduct" attached to the ordinance is incorporated by reference as fully and completely as if set forth verbatim, and is hereby adopted as part of this ordinance.

(4) Response to infractions. (a) Violations generally. Violation of the code of conduct can result in expulsion from the city property, or portions thereof. Minor violations of these rules will first result in the city

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<sup>1</sup>The Sweetwater Code of Conduct and Notice of Ban form are available in the recorder's office.

employee responsible for such property attempting to educate or warn the individual(s) about the policies before enforcing such policies. If an individual continues to violate these policies, a city employee will provide notice, in the form appended to this ordinance, and may order the individual to leave for the remainder of the day. However, any conduct that threatens the life or safety of any person or unreasonably interferes with the intended use of the property or that is damaging to city property, equipment or facilities may result in immediate expulsion from the premises. City employees are authorized, and encouraged, to contact the Sweetwater Police Department to respond to such situations.

(b) Severe or illegal behavior. Violations of this code of conduct (even if a single isolated event) may result in individuals being banned from city property from one (1) day to one (1) year. In imposing this ban, city employees will follow the procedures established below. The city employee responsible for the city property will call the Sweetwater Police Department for severe or illegal behavior or when an individual refuses to leave when told to do so. The Sweetwater Police Department is hereby authorized to enforce this code of conduct, subject to the same rules and restrictions as set forth herein that apply to city employees.

(5) Notice of ban procedure. Notice required to be provided under this code of conduct shall be made by an issuing employee to the person in question. Notice should be provided in writing in the form appended to this ordinance, and reasonable efforts shall be made to accommodate any language or communication barrier between the city and the person. If a person will not accept the written notice, it may be left near the person. If a person leaves the premises before notice can be given, notice may be sent to the person's last known address, or served upon them at a later date. The issuing employee shall record the method notice is provided to the person. The notice shall identify the person, inform the person of the behavior observed that was in violation of the code of conduct, inform the person of the specifics of the ban, and describe the person's appeal rights. When possible, the issuing employee should also inform the person verbally of the specifics of the ban.

(6) Banishment procedure. (a) Violations observed. Violations of this code of conduct observed by city property division staff, other City of Sweetwater employees (including police officers), city property users or other persons are subject to this banning procedure. All such violations shall be documented and kept on file at city hall. If a violation is not seen by the city employee responsible for the premises, the veracity of the report shall be determined and all evidence considered, and the city may proceed with these banning procedures if there is a reasonable cause to believe that a person committed a violation of the code of conduct.

(b) Identification and notice. If a person who violated this code of conduct fails to or refuses to properly identify themselves to a city employee, the required notice shall still be served upon the person and

efforts shall be made to identify the person based upon their appearance or other characteristics, with a photograph taken if possible. If a person is later found to have intentionally provided false identifying information to a city employee, the person shall be banned for not less than thirty (30) days, in addition to any other bans that might be imposed.

(c) Admonishment. A person banned from city property pursuant to this code of conduct shall be informed that during the period of expulsion or ban, they do not have permission to enter or remain at the city property and that if the person returns to city property during the period of the ban, or remains on the premises after being notified of the ban, that he or she will be trespassing and subject to an ordinance or statutory enforcement action, including prosecution for criminal trespass.

(d) Procedures and rules. After a city employee responsible for city property determines that a person has violated the code of conduct and that the individual involved should be banned from city property, or portion thereof, the following procedures and rules shall apply:

(i) Considerations for issuance and on appeal. In determining the length and scope of any ban under Sections (6)(a)-(c), the issuing employee, the department head, the commissioner and the city judge shall consider the person's underlying behavior, the person's age, mental capacity, mental health, the circumstances that gave rise to the violation, the history and severity of behavioral violations at the city property or properties, and the impact of the person's behavior upon use and enjoyment of the city property by other people.

(A) First offense. (1) Expulsion. A city employee shall issue notice to the person expelling the person from the city property for twenty-four (24) hours. An expulsion of twenty-four (24) hours or less is not reviewable.

(2) Non-compliance. If the banned person refuses to leave, or returns to the same city property during the twenty four (24) hour expulsion period, and the police department is required to remove the person from the premises, the head of the department where the violation is alleged to have occurred ("department head") shall issue a thirty (30) day ban whether or not the police department cites or arrests the person for trespassing.

(3) Repetition. If a person complies with the twenty four (24) hour expulsion, but then receives a second written notice for an additional code of conduct violation within thirty (30) days, the person

shall be subject to a thirty (30) day ban, in addition to any other bans that might be imposed.

(B) Second offense. If a person receives a second ban at the same premises during a one (1) year period, the person shall be subject to a ban of not less than thirty (30) days and no more than one (1) year from city property or a portion thereof.

(C) Multiple premises. In the event that a person subject to a ban from one (1) premise receives a ban for a second premise during a one (1) year period, then that person shall be banned from any or all city property for a period of not less than thirty (30) days but no more than ninety (90) days.

(D) Serial offenses. In the event that a person receives three (3) or more bans within one (1) year, at any city property or properties, the person shall be subject to a ban of not less than ninety (90) days but not no more than one (1) year from any or all city property.

(E) Ban recorded. The city employee issuing the ban, and the department head, commissioner and board of commissioners on appeal, shall file the notice and all actions on appeal with the city court clerk. A copy of the ban shall be kept on the premises where the violation occurred.

(4) Appeals process. (a) Review by department head. Within seven (7) days of receiving notice, a banned person file a written appeal from the determination that they violated the code of conduct to the department head, who, after considering the evidence, shall determine whether there was a basis to support the issuing employee's determination that the person committed a violation of the code of conduct.

(b) Ban upheld. After consultation with the person who issued the ban and a review of the evidence, if the department head agrees that there existed reasonable cause to believe that the person committed a violation of the code of conduct, as well as the scope and length of the ban imposed, then the department head shall take no further action.

(c) Ban rescinded or modified. The department head may rescind or modify the terms of the ban, if so, they shall notify the banned individual in writing of the decision to rescind or modify the ban and specify the reasons for the rescission or modification and the terms of any modified ban. The department head shall also notify the banned individual of their right to appeal to the commissioner.

(d) Appeal to commissioner. Upon a written request filed by the banned person with the city court clerk prior to the expiration of the ban period. The commissioner will review the decision to ban an individual and the terms thereof, and may uphold, rescind or modify the length

(either shortening or lengthening) and scope of the ban based upon the information presented by staff and submitted by the individual. A person may only use the appeal process once for each ban. The commissioner must respond to the request within thirty (30) days of the filing of the request. The commissioner shall notify the banned individual in writing about the decision to uphold, rescind or modify the ban and specify the reasons for the decision. The commissioner shall also notify the banned individual that they may appeal the determination of the commissioner to the board of commissioners by filing a written request with the city clerk within ten (10) days of the issuance of the commissioner's decision.

(e) Final appeal. Any appeal from the decision of the commissioner shall be heard by the Sweetwater City Judge, whose decision shall be the final decision of the City of Sweetwater. The city judge shall schedule the hearing, and notice of the hearing shall be given to all parties by the city court clerk. At the hearing, the banned person and the city may be represented by counsel, may present evidence and may call and examine witnesses and cross examine witnesses of the other party. The city court judge shall conduct the hearing and administer oaths to witnesses. The rules of evidence provided in Tennessee Code Annotated, § 4-5-313 for administrative proceedings shall govern the introduction of proof. The city court clerk shall receive and mark all exhibits and record all of the proceedings electronically. Either party may have the proceedings taken down and transcribed at their own expense. After considering the evidence presented, the city judge shall either uphold, rescind or modify the terms and conditions of the ban. A banned person's failure to appear at the board's hearing shall constitute a withdrawal of the appeal. The decision of the city judge shall be the final decision of the City of Sweetwater, reviewable in Monroe County Circuit Court upon a writ of certiorari pursuant to Tennessee Code Annotated, § 27-9-102 within sixty (60) days of receipt of the final decision. Until such time as a ban has been rescinded or modified by the department head, the commissioner, the judge or the court, the banned person shall continue to be subject to the terms and conditions of the ban. (as added by Ord. #857, Aug. 2010, and replaced by Ord. #1030, Dec. 2023 *Ch8\_08-05-24*)

## CHAPTER 8

### CURFEW FOR MINORS

#### SECTION

- 11-801. Purpose.
- 11-802. Definitions.
- 11-803. Curfew enacted; exceptions.
- 11-804. Parental involvement in violation unlawful.
- 11-805. Involvement by owner or operator of vehicle unlawful.
- 11-806. Involvement by operator or employee of establishment unlawful.
- 11-807. Giving false information unlawful.
- 11-808. Enforcement.
- 11-809. Violation and penalty.

**11-801. Purpose.** The purpose of this chapter is to

1. Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the city;
2. Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and
3. Foster and strengthen parental responsibility for children.

**11-802. Definitions.** As used in this chapter, the following words have the following meanings:

1. "Curfew hours" means the hours of 12:30 A.M. through 6:00 A.M. each day.
2. "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.
3. "Establishment" means any privately-owned business place within the city operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word "operator" with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.
4. "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.
5. "Parent" means:
  - a. A person who is a minor's biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;

b. A person who is the biological or adoptive parent with whom a minor regularly resides;

c. A person judicially appointed as the legal guardian of a minor; and/or

d. A person eighteen (18) years of age or older standing in loco parentis (as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).

6. "Person" means an individual and not a legal entity.

7. "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.

8. "Remain" means

a. To linger or stay at or upon a place or

b. To fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.

9. "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object.

**11-803. Curfew enacted; exceptions.** It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the city, to remain in any motor vehicle operating or parked on any public place within the city, or to remain in or upon the premises of any establishment within the city, unless:

1. The minor is accompanied by a parent; or

2. The minor is involved in an emergency; or

3. The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or

4. The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or

5. The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or

6. The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's

destination(s) and the hours the minor is authorized to be engaged in the errand; or

7. The minor is involved in interstate travel through, or beginning or terminating in, the City of Sweetwater; or

8. The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly.

**11-804. Parental involvement in violation unlawful.** It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-803 of this chapter.

**11-805. Involvement by owner or operator of vehicle unlawful.** It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-803 of this chapter using the motor vehicle.

**11-806. Involvement by operator or employee of establishment unlawful.** It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave.

**11-807. Giving false information unlawful.** It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-803 of this chapter. Each violation of this section is punishable by a maximum of fifty dollars (\$50.00).

**11-808. Enforcement.** 1. Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-803 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-803 and shall issue a citation requiring the minor to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address or the



name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

2. Others. If an officer's investigation reveals that a person has violated §§ 11-803, 11-804, 11-805, or 11-806 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court.

**11-809. Violation and penalty.** A violation of §§ 11-803, 11-804, 11-805, or 11-806 subsequent to receiving a verbal warning as provided in § 11-808 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation.

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

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. RESIDENTIAL CODE.
5. ENERGY CONSERVATION CODE.
6. CODES ENFORCEMENT OFFICER.
7. MECHANICAL CODE.
8. GAS CODE.
9. PROPERTY MAINTENANCE CODE.
10. EXISTING BUILDING CODE.
11. ACCESSIBILITY CODE.
12. OFFICE OF ADMINISTRATIVE LAW JUDGE.

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

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

**12-101. Building code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, and stability; and for regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure attributed to the built environment, the International Building Code, 2018 edition, as prepared and adopted by the International Code Council - except Chapter 11, Accessibility, and Chapter 34, Section 3411, Accessibility for

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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.

Existing Buildings - is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (as amended by Ord. #777, Dec. 2005, replaced by Ord. #850, July 2010, and Ord. #896, June 2013, amended by Ord. #918, Oct. 2014, and replaced by Ord. #998, June 2022 *Ch8\_08-05-24*)

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

(2) Permit fees.

<u>Value at Least</u>	<u>But</u>	<u>Not More Than</u>	<u>Base Amount</u>	<u>Plus</u>	<u>Per 1,000 Over Base Value</u>
.01		1,000.00	15.00		0.00
1,000.01		50,000.00	15.00		5.00
50,000.01		100,000.00	260.00		4.00
100,000.01		500,000.00	460.00		3.00
500,000.01		999,999,999.99	1660.00		2.00

(3) Moving of building or structure (one parcel to another). For moving of any building or structure, the fee shall be fifty dollars (\$50.00).

(4) Demolition of building or structure. For the demolition of any building or structure, the fee shall be fifty dollars (\$50.00).

(5) Building permit valuations. If in the opinion of the building official the valuation of building, alteration, or structure appears to be underestimated on the application, the permit can be denied, unless the applicant can show detailed estimated cost to meet the approval of the building official. Permit valuations shall include total cost, such as plumbing, electrical, mechanical equipment, and other systems.

(6) Estimating the building cost on dollar per square foot.

- (a) Frame house with wood siding \$60.00 per square foot and no basement, and mobile home
- (b) Frame house with wood siding \$70.00 per square foot and basement
- (c) Dwelling with brick veneer \$80.00 per square foot

- (d) Dwelling with brick veneer and basement \$90.00 per square foot
- (e) Dwelling with marble or stone and no basement \$80.00 per square foot
- (f) Dwelling with marble or stone and basement \$90.00 per square foot
- (g) Commercial No bid project \$50.00
- (h) Industrial No bid project \$40.00
- (i) Commercial and Industrial Bid project \$As per fee chart

(7) Plains review fees. (a) For review plans for one- and two-family residential structures there shall be no fee.

(b) For review of plans for commercial and industrial structures the fee schedule is:

<u>Value at Least</u>	<u>But</u>	<u>Not More Than</u>	<u>Base Amount</u>	<u>Plus</u>	<u>Per 1,000 Over Base Value</u>
.01		1,000.00	30.00		0.00
1,000.01		50,000.00	30.00		3.00
50,000.01		100,000.00	177.00		2.00
100,000.01		500,000.00	277.00		1.00
500,000.01		999,999,999.99	677.00		.50

(Ord. #613, Nov. 1988, modified, as replaced by Ord. #896, June 2013)

**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. (as replaced by Ord. #896, June 2013)

**12-104. 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. (as replaced by Ord. #896, June 2013)

## CHAPTER 2

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

#### SECTION

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

**12-201. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code,<sup>2</sup> 2018 edition, as prepared by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1982 Code, § 4-201, modified, as amended by Ord. #777, Dec. 2005, replaced by Ord. #850, July 2010, and Ord. #896, June 2013, amended by Ord. #918, Oct. 2014, and replaced by Ord. #998, June 2022 *Ch8\_08-05-24*)

**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 mayor and board of commissioners.

Wherever "city engineer" or "engineering department" is named, it shall mean the superintendent of streets. Whenever the "plumbing official," or "inspector" is named or referred to, it shall mean the person appointed or designated by the mayor and board of commissioners to administer and enforce the provisions of the plumbing code. (1982 Code, § 4-202, modified, as amended by Ord. #777, Dec. 2005, and replaced by Ord. #896, June 2013)

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

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<sup>1</sup>Municipal code references

Cross connections: title 18, chapter 2.

Street excavations: title 16, chapter 2.

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

inspection of the public. (1982 Code, § 4-203, modified, as replaced by Ord. #896, June 2013)

**12-204. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1982 Code, § 4-204, as replaced by Ord. #896, June 2013)

## CHAPTER 3

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

#### SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Violations.
- 12-304. Enforcement.
- 12-305. Fees.

**12-301. Electrical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 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> 2017 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1982 Code, § 4-301, as amended by Ord. #777, Dec. 2005, replaced by Ord. #850, July 2010, and Ord. #896, June 2013, amended by Ord. #918, Oct. 2014, and replaced by Ord. #998, June 2022, *Ch8\_08-05-24*)

**12-302. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, three (3) copies of the electrical code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1982 Code, § 4-302, as replaced by Ord. #896, June 2013)

**12-303. Violations.** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1982 Code, § 4-303, as replaced by Ord. #896, June 2013)

**12-304. Enforcement.** The utility board is hereby designated as the electrical inspector. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and

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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.

directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1982 Code, § 4-304, as replaced by Ord. #896, June 2013)

**12-305. Fees.** The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143, for electrical inspections by deputy inspectors of the state fire marshal. (1982 Code, § 4-305, as replaced by Ord. #896, June 2013)



## CHAPTER 4

### RESIDENTIAL CODE

#### SECTION

- 12-401. Residential code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Violations.
- 12-405. Permanent enclosed foundations required.

**12-401. Residential code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, energy conservation, adequate light and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Residential Code,<sup>1</sup> 2018 edition, as prepared and adopted by the International Code Council -- except:

- (a) Section R313 Automatic Fire Sprinkler Systems is not mandatory, pursuant to T.C.A. § 68-120-101(a)(8);
- (b) Chapters 34-43 relating to Electrical Installations are deleted and the National Electrical Code 2017 Edition shall apply;
- (c) Figure R301.2 (2) Seismic Design Categories is deleted and replaced with Figure R301.2(2) Seismic Design Categories Site Class D from the 2012 IRC;
- (d) See Table R301.2(1) for Climatic and Geographic Design Criteria as attached to this ordinance;
- (e) Section N1102.4.1.2 (R402.4.1.2) Testing is replaced with Section N102.4.2.1 Testing Option and Section N1102.4.2.2 Visual Inspection from 2009 IRC;
- (f) Section N1103.3 (R403.3.3) Duct Testing (Mandatory) and Section N1103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are optional;
- (g) Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1102.1.4 (R402.1.4) Equivalent U-Factor from 2018 are replaced with Table N1102.1 Insulation and Fenestration Requirements by Component and Table N1102.1.2 Equivalent U-Factor from 2009 IRC;
- (h) Section N1102.4.4 (R402.4.4) Rooms Containing Fuel-Burning Appliances is deleted in its entirety; and
- (i) Table N1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding

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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.

the following as Footnote "M"; "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 4 when a fenestration U-factor of .35 or lower is used, a skylight U-Factor of .60 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used -- is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the residential code. (1982 Code, § 4-501, as amended by Ord. #777, Dec. 2005, replaced by Ord. #850, July 2010, and Ord. #896, June 2013, amended by Ord. #918, Oct. 2014, and replaced by Ord. #998, June 2022, *Ch8\_08-05-24*)

**12-402. Modifications.** (1) Definitions. Wherever the residential code refers to the "building official" it shall mean the person appointed or designated by the mayor and board of commissioners to administer and enforce the provisions of the residential code. Wherever the "chief appointing authority" is referred to it shall mean the mayor and board of commissioners.

(2) Automatic sprinkler system standards. Section R 313 pertaining to single family and two (2) family dwellings is hereby deleted, however, sprinklers are required for a townhouse if: (a) four (4) or more units, (b) three (3) units with five thousand (5,000) or more total square feet, or (c) three (3) units with less than five thousand (5,000) total square feet and three (3) or fewer stories if not separated by a two (2) hour fire wall. (1982 Code, § 4-502, modified, as replaced by Ord. #896, June 2013, and amended by Ord. #913, April 2014)

**12-403. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1982 Code, § 4-503, modified, as replaced by Ord. #896, June 2013)

**12-404. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. (1982 Code, § 4-504, as replaced by Ord. #896, June 2013)

**12-405. Permanent enclosed foundations required.** All housing units shall have foundations which are completely enclosed. The enclosed foundations shall be constructed along the entire perimeter of the dwelling unit. The materials allowed for enclosing foundations are: brick or cement block or other masonry type materials. No portion of the crawl space beneath a dwelling shall be exposed. (Ord. #609, Feb. 1988, modified, as replaced by Ord. #896, June 2013)

## CHAPTER 5

### ENERGY CONSERVATION CODE

#### SECTION

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

**12-501. Energy conservation code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the International Energy Conservation Code,<sup>1</sup> 2012 edition, as prepared by the International Code Council -- except:

- (a) Section R402.4.1.2 "Testing" is deleted and replaced with the Section 402.4.2.1 "Testing" option and Section 402.4.2.2 "Visual Inspection" option from the 2009 IECC;
- (b) Section R403.3.3 "Duct Testing (Mandatory)" and Section R403.3.4 "Duct Leakage (Prescriptive)" are optional;
- (c) Table 402.1.2 "Insulation and Fenestration Requirements by Component" and Table R402.1.4 "Equivalent U-Factor" are deleted and replaced with Table 402.1.1 "Insulation and Fenestration Requirements by Component" and Table 402.1.3 "Equivalent U-Factors 2009 IECC"; and
- (d) for commercial buildings, the International Energy Conservation Code, 2012 edition, is adopted except the provisions of the International Energy Conservation Code, 2006 edition, shall apply to the following occupancy classifications; Group F-1, moderate-hazard factory industrial; Group F-2, low-hazard factory industrial; Group S-1, moderate hazard storage; and Group S-2, low-hazard storage --

is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (as amended by Ord. #777, Dec. 2005, replaced by Ord. #850, July 2010, and Ord. #896, June 2013, amended by Ord. #918, Oct. 2014, and replaced by Ord. #998, June 2022, **Ch8\_08-05-24**)

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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.

**12-502. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Sweetwater. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of commissioners shall have appointed or designated to administer and enforce the provisions of the energy code. (as replaced by Ord. #896, June 2013)

**12-503. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as replaced by Ord. #896, June 2013)

**12-504. Violations and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as replaced by Ord. #896, June 2013)

## CHAPTER 6

### CODES ENFORCEMENT OFFICER

#### SECTION

12-601. Appointment, authority, etc.

12-602. Qualifications.

12-603. Modifications.

12-604. Board of review.

**12-601. Appointment, authority, etc.** The position of codes enforcement officer is hereby established and appointment to such office shall be made by the mayor and board of commissioners. The codes enforcement officer does hereby have the authority to conduct inspections on buildings, lots, and other structures in which there is probable cause to believe or complaints received that violation of the city code are occurring. The codes enforcement officer shall have the authority to issue orders to enforce compliance with the municipal code, and shall have the authority to issue warrants to court where violations persist. The codes enforcement officer shall be empowered to enforce the provisions of title 13, chapter 1, miscellaneous; title 18, chapter 1, sewage and human excreta disposal; title 17, chapter 1, garbage and refuse, title 10, animal control, title 13, chapter 4, weeds; title 12, chapter 1, building code; chapter 2, plumbing code; chapter 4, housing code; and chapter 5, energy code. (Ord. #605, Sept. 1987, modified, as replaced by Ord. #896, June 2013)

**12-602. Qualifications.** The codes enforcement officer position will have qualifications set by the mayor and board of commissioners. (Ord. #605, Sept. 1987, as replaced by Ord. #896, June 2013)

**12-603. Modifications.** Wherever the term "building official" or "building inspector," or "health officer" or "director of public works" is named, specified, or otherwise noted in the municipal code, the terms shall mean the same as the "codes enforcement officer." (Ord. #605, Sept. 1987, as replaced by Ord. #896, June 2013)

**12-604. Board of review.** In order to hear and decide appeals of orders, decisions or determinations made by the code enforcement officer relative to the application and interpretation of the codes in this title, there is hereby created a board of review. Such board shall consist of three (3) members nominated by the mayor and approved by the board of commissioners for staggered terms of three (3) years, with the initial members thereof appointed for terms to accomplish that purpose. Each member shall hold office at the pleasure of the board of commissioners. When properly constituted, the board shall establish its rules of procedure for conducting its business.

(1) The only grounds for an application to review a determination of the code enforcement officer shall be:

(a) That the true intent of these codes or the rules legally adopted thereunder have been incorrectly interpreted;

(b) The provisions of these codes do not fully apply; or

(c) That an equally good or better form of construction, materials or performance is proposed. The board shall have no authority to waive requirements of these codes.

(2) The board of review shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction. No member of the board may be an employee of the City of Sweetwater.

(3) This procedure is to allow a review of an interpretation of the code enforcement officer relative to the codes contained in title 12 of the municipal code. It is not a substitute or alternative to recourse for enforcement of those code provisions by citation to the city court and the board has no authority to overturn a ruling of the city court in an enforcement proceeding. (as added by Ord. #791, June 2006, and replaced by Ord. #896, June 2013)

## CHAPTER 7

### MECHANICAL CODE

#### SECTION

- 12-701. Mechanical code adopted.
- 12-702. Modifications.
- 12-703. Available in recorder's office.
- 12-704. Violations and penalty.

**12-701. Mechanical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 506, and for the purpose of regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, the International Mechanical Code,<sup>1</sup> 2018 edition, as prepared by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereby referred to as the mechanical code. (as added by Ord. #850, July 2010, replaced by Ord. #896, June 2013, amended by Ord. #918, Oct. 2014, and replaced by Ord. #998, June 2022 *Ch8\_08-05-24*)

**12-702. Modifications.** Whenever the mechanical code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Sweetwater. When the "building official" is named it shall, for the purposes of the mechanical code, mean such person as the board of commissioners shall have appointed or designated to administer and enforce the provisions of the mechanical code. (as added by Ord. #896, June 2013)

**12-703. 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. (as added by Ord. #896, June 2013)

**12-704. Violations and penalty.** It shall be a civil offense 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. (as added by Ord. #896, June 2013)

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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.

## CHAPTER 8

### GAS CODE

#### SECTION

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

**12-801. Fuel gas code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 506, and for the purpose of establishing regulations for fuel gas systems and gas-fired appliances using prescriptive and performance-related provisions, the International Fuel Gas Code, 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated be, and is hereinafter referred to as the fuel gas code. (as added by Ord. #896, June 2013, amended by Ord. #918, Oct. 2014, and replaced by Ord. #998, June 2022 *Ch8\_08-05-24*)

**12-802. Modifications. Definitions.** Whenever the fuel gas code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Sweetwater. When the "building official" is named it shall, for the purposes of the fuel gas code, mean such person as the board of commissioners shall have appointed or designated to administer and enforce the provisions of the fuel gas code. (as added by Ord. #896, June 2013)

**12-803. Available in the recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fuel gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #896, June 2013)

**12-804. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas 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. (as added by Ord. #896, June 2013)



## CHAPTER 9

### PROPERTY MAINTENANCE CODE

#### SECTION

12-901. Property maintenance code adopted.

12-902. Modifications.

12-903. Available in recorder's office.

12-904. Violations and penalty.

**12-901. Property maintenance code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 506, and for the purpose of providing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, the International Property Maintenance Code, 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the property maintenance code. (as added by Ord. #896, June 2013, amended by Ord. #918, Oct. 2014, and replaced by Ord. #998, June 2022 *Ch8\_08-05-24*)

**12-902. Modifications.** Whenever the property maintenance code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Sweetwater. When the "building official" is named it shall, for the purposes of the property maintenance code, mean such person as the board of commissioners shall have appointed or designated to administer and enforce the provisions of the property maintenance code. (as added by Ord. #896, June 2013)

**12-903. 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. (as added by Ord. #896, June 2013)

**12-904. 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 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. (as added by Ord. #896, June 2013)

## CHAPTER 10

### EXISTING BUILDING CODE

#### SECTION

- 12-1001. Existing building code adopted.
- 12-1002. Modifications.
- 12-1003. Available in recorder's office.
- 12-1004. Violations.

**12-1001. Existing building code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 506, and for the purpose of providing a concise set of regulations and procedures to effect safety in occupancy, the International Existing Building Code, 2018 edition, as prepared by the International Code Council, is adopted and the same is incorporated herein by reference, subject to modifications as hereinafter provided, and shall be known and referred to as the existing buildings code. (as added by Ord. #896, June 2013, amended by Ord. #918, Oct. 2014, and replaced by Ord. #998, June 2022 *Ch8\_08-05-24*)

**12-1002. Modifications.** Whenever the existing building code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Sweetwater. When the "building official" is named it shall, for the purposes of the existing building code, mean such person as the board of commissioners shall have appointed or designated to administer and enforce the provisions of the existing building code. (as added by Ord. #896, June 2013)

**12-1003. Available in the recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the existing building code shall be placed on file in the office of the recorder and the same shall be kept there for the use and inspection of the public. (as added by Ord. #896, June 2013)

**12-1004. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the existing building code or any final order made pursuant thereto. Such violation is declared an offense against the city and for which punishment shall be a fine of not more than fifty dollars (\$50.00) for each such violation. Each day that a violation occurs shall be deemed a separate offense. The building official or his or her deputy or assistant is empowered to issue citations to answer in the municipal court of the city by any person, firm or corporation found to be in such violation. (as added by Ord. #896, June 2013)

**CHAPTER 11****ACCESSIBILITY CODE****SECTION**

- 12-1101. Accessibility code adopted
- 12-1102. Available in recorder's office.
- 12-1103. Violations and penalty.

**12-1101. Accessibility code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of making all public buildings accessible to and functional for persons who are physically handicapped the 2010 ADA Standards for Accessible Design, 2010 Standards, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the accessibility code. (as added by Ord. #896, June 2013)

**12-1102. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the accessibility code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #896, June 2013)

**12-1103. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the accessibility 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. (as added by Ord. #896, June 2013)

**CHAPTER 12****OFFICE OF ADMINISTRATIVE LAW JUDGE****SECTION**

- 12-1201. Municipal administrative law judge.
- 12-1202. Communication by administrative law judge and parties.
- 12-1203. Appearance by parties and/or counsel.
- 12-1204. Pre-hearing conference and orders.
- 12-1205. Appointment of administrative law judge.
- 12-1206. Training and continuing education.
- 12-1207. Jurisdiction not exclusive.
- 12-1208. Citations for violation - written notice.
- 12-1209. Review of citation - levy of fines.
- 12-1210. Party in default.
- 12-1211. Petitions for intervention.
- 12-1212. Regulating course of proceedings - hearing open to public.
- 12-1213. Evidence and affidavits; notice.
- 12-1214. Final orders.
- 12-1215. Final order effective date.
- 12-1216. Collection of fines, judgments and debts.
- 12-1217. Judicial review of final order.
- 12-1218. Appeal to court of appeals.

**12-1201. Municipal administrative law judge.** (1) In accordance with Tennessee Code Annotated, § 6-54-1001 et seq., there is hereby created the office of administrative law judge to hear violations of any of the provisions codified in, or incorporated into, The Sweetwater Municipal Code relating to building and property maintenance including building codes, residential codes, plumbing codes, electrical codes, gas codes, mechanical codes, energy codes, property maintenance regulations contained in title 12 of The Sweetwater Municipal Code and all ordinances regulating any subject matter commonly found in the above-described codes.

The administrative law judge is not authorized to hear violation of codes adopted by the state fire marshal pursuant to Tennessee Code Annotated, § 68-120-101(a) enforced by deputy building inspector pursuant to Tennessee Code Annotated, § 68-120-101(f).

The utilization of the administrative law judge shall be at the discretion of the codes enforcement officer and shall be an alternative to the enforcement in the City of Sweetwater Municipal Court.

(2) There is hereby created one (1) administrative law judge(s) position to be appointed pursuant to § 12-1205 below.

(3) The amount of compensation for the administrative law judge shall be approved by the board of commissioners.

(4) Clerical and administrative support for the office of administrative law judge shall be provided as determined by the city recorder.

(5) The administrative law judge shall perform all of the duties and abide by all of the requirements of Tennessee Code Annotated, § 6-54-1001 et seq. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1202. Communication by administrative law judge and parties.**

(1) Unless required for the disposition of ex parte matters specifically authorized by statute, an administrative law judge presiding over a contested case proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding, while the proceeding is pending, with any person without notice and opportunity for all parties to participate in the communication.

(2) Notwithstanding subsection (1), an administrative law judge may communicate with municipal employees or officials regarding a matter pending before the administrative body or may receive aid from staff assistants, members of the staff of the city attorney or a licensed attorney, if such persons do not receive ex parte communications of a type that the administrative law judge would be prohibited from receiving, and do not furnish, augment, diminish or modify the evidence in the record.

(3) Unless required for the disposition of ex parte matters specifically authorized by statute, no party to a contested case, and no other person may communicate, directly or indirectly, in connection with any issue in that proceeding, while the proceeding is pending, with any person serving as an administrative law judge without notice and opportunity for all parties to participate in the communication.

(4) If, before serving as an administrative law judge in a contested case, a person receives an ex parte communication of a type that may not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (5).

(5) An administrative law judge who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the person received an ex parte communication, and shall advise all parties that these matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, upon requesting the opportunity for rebuttal within ten (10) business days after notice of the communication. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1203. Appearance by parties and/or counsel.** (1) Any party may participate in the hearing in person or, if the party is a corporation or other artificial person, by a duly authorized representative; however, a non-attorney

may not participate as the representative of a corporation if doing so requires the non-attorney to exercise the professional judgment of an attorney.

(2) Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel or, unless prohibited by any provision of law, other representative. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1204. Pre-hearing conference and orders.** (1) (a) In any action set for hearing, the administrative law judge, upon the administrative law judge's own motion, or upon motion of one (1) of the parties or such party's qualified representatives, may direct the parties or the attorneys for the parties, or both, to appear before the administrative law judge for a conference to consider:

- (i) The simplification of issues;
- (ii) The possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof;
- (iii) The limitation of the number of witnesses; and
- (iv) Such other matters as may aid in the disposition of the action.

(b) The administrative law judge shall make an order that recites the action taken at the conference, and the agreements made by the parties as to any of the matters considered, and that limits the issues for hearing to those not disposed of by admissions or agreements of the parties. Such order when entered controls the subsequent course of the action, unless modified at the hearing to prevent manifest injustice.

(2) Upon reasonable notice to all parties, the administrative law judge may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the administrative law judge sitting alone, to consider argument or evidence, or both, on any question of law.

(3) In the discretion of the administrative law judge, all or part of the pre-hearing conference may be conducted by telephone, television or other electronic means, if each participant in the conference has an opportunity to participate in, to hear and, if technically feasible, to see the entire proceeding while it is taking place.

(4) If a pre-hearing conference is not held, the administrative law judge may issue a pre-hearing order, based on the pleadings, to regulate the conduct of the proceedings. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1205. Appointment of administrative law judge.** (1) The administrative law judge shall be appointed by the board of commissioners and serve at the pleasure of the board. Such administrative law judge may be hired on a part-time or full-time basis, by contract or by interlocal agreement with one (1) or more eligible municipalities.

(2) An administrative law judge shall be a licensed attorney.

(3) The city may also contract with the Administrative Procedures Division, Office of the Tennessee Secretary of State, to employ an administrative law judge on a temporary basis to serve as an administrative law judge. Such administrative law judge shall not be subject to the training or continuing education requirements of subsections 6-54-1007 (a) and (b). (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1206. Training and continuing education.** (1) Each person appointed to serve as an administrative law judge shall, within the six (6) month period immediately following the date of such appointment, participate in a program of training conducted by the University of Tennessee's Municipal Technical Advisory Service, (MTAS) or its designee(s). MTAS shall issue a certificate of participation to each person whose attendance is satisfactory.

(2) Each person actively serving as an administrative law judge shall complete six (6) hours of continuing education every calendar year. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the administrative law judge(s). No continuing education hours from one (1) calendar year may be carried over to a subsequent calendar year. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1207. Jurisdiction not exclusive.** The power and authority of vested in the office of administrative hearings is not exclusive and does not terminate or diminish any other existing municipal power or authority. The [insert governing body] may direct a municipal officer or employee to develop criteria for determining when to exercise administrative enforcement. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1208. Citations for violations-written notice.** (1) Upon the issuance of a citation for violation of a municipal ordinance referenced in the city's administrative hearing ordinance, the issuing officer shall provide written notice of:

(a) A short and plain statement of the matters asserted. If the issuing officer is unable to state the matters in detail at the time the citation is served, the initial notice may be limited to a statement of the issues involved and the ordinance violations alleged. Thereafter, upon timely, written application a more definite and detailed statement shall be furnished ten (10) business days prior to the time set for the hearing;

(b) A short and plain description of the city's administrative hearing process including references to state and local statutory authority;

(c) Contact information for the city's administrative hearing office; and

(d) The time frame in which the administrative law judge will review the citation and determine the fine and remedial period, if any.

(2) Citations issued for violations of ordinances referenced in the city's administrative hearing ordinance shall be signed by the alleged violator at the time of issuance. If an alleged violator refuses to sign, the issuing officer shall note the refusal and attest to the alleged violator's receipt of the citation. An alleged violator's signature on a citation is not admission of guilt.

(3) Citations issued upon absentee property owners may be served via certified mail sent to the last known address of the recorded owner of the property.

(4) Citations issued for violations of ordinances referenced in the city's administrative hearing ordinance shall be transmitted to an administrative law judge within two (2) business days of issuance. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1209. Review of citation - levy of fines.** (1) Upon receipt of a citation issued pursuant to Section 6-107, the administrative law judge shall, within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the administrative law judge has the authority to levy a fine upon the alleged violator in accordance with this section. Any fine levied by a administrative law judge must be reasonable based upon the totality of the circumstances.

(a) For violations occurring upon residential property a administrative law judge has the authority to levy a fine upon the violator not to exceed five hundred dollars (\$500.00) per violation. For purposes of the administrative law judge program, "residential property" means a single family dwelling principally used as the property owner's primary residence and the real property upon which it sits.

(b) For violations occurring upon non-residential property a administrative law judge has the authority to levy a fine upon the violator not to exceed five hundred dollars (\$500.00) per violation per day. For purposes of the administrative law judge program, "non-residential property" means all real property, structures, buildings and dwellings that are not residential property.

(2) If a fine is levied pursuant to subsection (1), the administrative law judge shall set a reasonable period of time to allow the alleged violator to remedy the violation alleged in the citation before the fine is imposed. The remedial period shall be no less than ten (10) or greater than one hundred twenty (120) calendar days, except where failure to remedy the alleged violation in less than ten (10) calendar days would pose an imminent threat to the health, safety or welfare of persons or property in the adjacent area.

(3) Upon the levy of a fine pursuant to subsection (1), the administrative law judge shall within seven (7) business days, provide via certified mail notice to the alleged violator of:



(a) The fine and remedial period established pursuant to subsections (1) and (2);

(b) A statement of the time, place, nature of the hearing, and the right to be represented by counsel; and

(c) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the statutes and rules involved.

(4) The date of the hearing shall be no less than thirty (30) calendar days following the issuance of the citation. To confirm the hearing, the alleged violator must make a written request for the hearing to the administrative law judge within seven (7) business days of receipt of the notice required in subsection (3).

(5) If an alleged violator demonstrates to the issuing officer's satisfaction that the allegations contained in the citation have been remedied to the issuing officer's satisfaction, the fine levied pursuant to subsection (1) shall not be imposed or if already imposed cease; and the hearing date, if the hearing has not yet occurred, shall be cancelled. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1210. Party in default.** (1) If a party fails to attend or participate in a pre-hearing conference, hearing or other stage of a contested case, the administrative law judge may hold the party in default and either adjourn the proceedings or conduct them without the participation of that party, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(2) If the proceedings are conducted without the participation of the party in default, the administrative law judge shall include in the final order a written notice of default and a written statement of the grounds for the default. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1211. Petitions for intervention.** (1) The administrative law judge shall grant one (1) or more petitions for intervention if:

(a) the petition is submitted in writing to the administrative law judge, with copies mailed to all parties named in the notice of the hearing, at least seven (7) business days before the hearing;

(b) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(c) The administrative law judge determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(2) If a petitioner qualifies for intervention, the administrative law judge may impose conditions upon the intervenor's participation in the

proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;

(b) Limiting the intervenor's participation so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two (2) or more intervenors to combine their participation in the proceedings.

(3) The administrative law judge, at least twenty-four (24) hours before the hearing, shall render an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The administrative law judge may modify the order at any time, stating the reasons for the modification. The administrative law judge shall promptly give notice of an order granting, denying or modifying intervention to the petitioner for intervention and to all parties. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1212. Regulating course of proceedings-hearing open to public.**

(1) The administrative law judge shall regulate the course of the proceedings, in conformity with the pre-hearing order, if any.

(2) To the extent necessary for full disclosure of all relevant facts and issues, the administrative law judge shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the prehearing order.

(3) In the discretion of the administrative law judge and by agreement of the parties, all or part of the hearing may be conducted by telephone, television or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceedings while taking place.

(4) The hearing shall be open to public observation pursuant to Tennessee Code Annotated, § 8-44-101 et seq., unless otherwise provided by state or federal law. To the extent that a hearing is conducted by telephone, television or other electronic means, the availability of public observation shall be satisfied by giving members of the public an opportunity, at reasonable times, to hear the tape recording and to inspect any transcript produced, if any. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1213. Evidence and affidavits; notice.** (1) In an administrative hearing:

(a) The administrative law judge shall admit and give probative effect to evidence admissible in a court, and when necessary to ascertain facts not reasonably susceptible to proof under the rules of court, evidence

not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The administrative law judge shall give effect to the rules of privilege recognized by law and to statutes protecting the confidentiality of certain records, and shall exclude evidence which in his or her judgment is irrelevant, immaterial or unduly repetitious;

(b) At any time not less than ten (10) business days prior to a hearing or a continued hearing, any party shall deliver to the opposing party a copy of any affidavit such party proposes to introduce in evidence, together with a notice in the form provided in subsection (2). Unless the opposing party, within seven (7) business days after delivery, delivers to the proponent a request to cross-examine an affiant, the opposing party's right to cross-examination of such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after a proper request is made as provided in this subdivision (b), the affidavit shall not be admitted into evidence. "Delivery," for purposes of this section, means actual receipt;

(c) The administrative law judge may admit affidavits not submitted in accordance with this section where necessary to prevent injustice;

(d) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the municipality. Upon request, parties shall be given an opportunity to compare the copy with the original, if reasonably available; and

(e) (i) Official notice may be taken of:

(A) Any fact that could be judicially noticed in the courts of this state;

(B) The record of other proceedings before the agency; or

(C) Technical or scientific matters within the administrative law judge's specialized knowledge; and

(ii) Parties must be notified before or during the hearing, or before the issuance of any final order that is based in whole or in part on facts or material notice, of the specific facts or material noticed and the source thereof, including any staff memoranda and data, and be afforded an opportunity to contest and rebut the facts or material so noticed.

(2) The notice referred to in subdivision (b) shall contain the following information and be substantially in the following form:

The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing in (here insert title of proceeding). (Here insert name of affiant) will not be called to

testify orally and you will not be entitled to question such affiant unless you notify (here insert name of the proponent or the proponent's attorney) at (here insert address) that you wish to cross-examine such affiant. To be effective, your request must be mailed or delivered to (here insert name of the proponent or the proponent's attorney) on or before (here insert a date seven (7) business days after the date of mailing or delivering the affidavit to the opposing party). (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1214. Final orders.** (1) An administrative law judge shall render a final order in all cases brought before his or her body.

(2) A final order shall include conclusions of law, the policy reasons therefor, and findings of fact for all aspects of the order, including the remedy prescribed. Findings of fact, if set forth in language that is no more than mere repetition or paraphrase of the relevant provision of law, shall be accompanied by a concise and explicit statement of the underlying facts of record to support the findings. The final order must also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief and the time limits for seeking judicial review of the final order.

(3) Findings of fact shall be based exclusively upon the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. The administrative law judge's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence.

(4) If an individual serving or designated to serve as an administrative law judge becomes unavailable, for any reason, before rendition of the final order, a qualified substitute shall be appointed. The substitute shall use any existing record and may conduct any further proceedings as is appropriate in the interest of justice.

(5) The administrative law judge may allow the parties a designated amount of time after conclusion of the hearing for the submission of proposed findings.

(6) A final order rendered pursuant to subsection (1) shall be rendered in writing within seven (7) business days after conclusion of the hearing or after submission of proposed findings unless such period is waived or extended with the written consent of all parties or for good cause shown.

(7) The administrative law judge shall cause copies of the final order under subsection (1) to be delivered to each party. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1215. Final order effective date.** (1) All final orders shall state when the order is entered and effective.

(2) A party may not be required to comply with a final order unless the final order has been mailed to the last known address of the party or unless the

party has actual knowledge of the final order. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1216. Collection of fines, judgments and debts.** The city may collect a fine levied pursuant to this section by any legal means available to a municipality to collect any other fine, judgment or debt. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1217. Judicial review of final order.** (1) A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to Tennessee Code Annotated, §§ 6-54-1001 et seq., which shall be the only available method of judicial review.

(2) Proceedings for judicial review of a final order are instituted by filing a petition for review in the chancery court in the county where the municipality lies. Such petition must be filed within sixty (60) calendar days after the entry of the final order that is the subject of the review.

(3) The filing of the petition for review does not itself stay enforcement of the final order. The reviewing court may order a stay on appropriate terms, but if it is shown to the satisfaction of the reviewing court, in a hearing that shall be held within ten (10) business days of a request for hearing by either party, that any party or the public at large may suffer injury by reason of the granting of a stay, then no stay shall be granted until a good and sufficient bond, in an amount fixed and approved by the court, shall be given by the petitioner conditioned to indemnify the other persons who might be so injured and if no bond amount is sufficient, the stay shall be denied.

(4) Within forty-five (45) calendar days after service of the petition, or within further time allowed by the court, the administrative law judge shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all the parties of the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional cost. The court may require or permit subsequent corrections or additions to the record.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the administrative proceeding, the court may order that the additional evidence be taken before the administrative law judge upon conditions determined by the court. The administrative law judge may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.

(6) The procedure ordinarily followed in the reviewing court will be followed in the review of contested cases decided by the administrative hearing

officer, except as otherwise provided in this chapter. The administrative law judge that issued the decision to be reviewed is not required to file a responsive pleading.

(7) The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the administrative law judge, not shown in the record, proof thereon may be taken in the court.

(8) The court may affirm the decision of the administrative law judge or remand the case for further proceedings. The court may reverse or modify the decision if the rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the administrative law judge;
- (c) Made upon unlawful procedure;
- (d) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion: or
- (e) Unsupported by evidence that is both substantial and material in the light of the entire record. In determining the substantiality of evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the administrative law judge as to the weight of the evidence on questions of fact.

(9) No administrative hearing decision pursuant to a hearing shall be reversed, remanded or modified by the reviewing court unless for errors that affect the merits of such decision.

(10) The reviewing court shall reduce its findings of fact and conclusions of law to writing and make them parts of the record. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

**12-1218. Appeal to court of appeals.** (1) An aggrieved party may obtain a review of any final judgment of the chancery court under this chapter by appeal to the court of appeals of Tennessee.

(2) The record certified to the chancery court and the record in the chancery court shall constitute the record in an appeal. Evidence taken in court pursuant to title 24 shall become a part of the record.

(3) The procedure on appeal shall be governed by the Tennessee Rules of Appellate Procedure. (as added by Ord. #894, March 2013 *Ch8\_08-05-24*)

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. REGULATION OF JUNKED VEHICLES ON PUBLIC AND PRIVATE PROPERTY.
4. WEEDS, ETC.
5. EXCAVATION ACTIVITIES ON PRIVATE PROPERTY.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

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

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the mayor and board of commissioners shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1982 Code, § 8-101)

**13-102. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1982 Code, § 8-105)

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

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<sup>1</sup>Municipal code references  
 Animal control: title 10.  
 Littering streets, etc.: § 16-107.

without treating it so as effectively to prevent the breeding of mosquitoes. (1982 Code, § 8-106)

**13-104. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1982 Code, § 8-107)

**13-105. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1982 Code, § 8-108)

**13-106. 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. (1982 Code, § 8-104)

**13-107. Overgrown and dirty lots.** (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, 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 and/or the accumulations of debris, trash, litter, 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) Outside storage of items designed and marketed for indoor use is not permitted. Outside storage on any portion of a yard, outside of an enclosed structure, under a carport or covered patio or other projecting overhang, is a violation. Examples of items that may not be stored outside include, but are not limited to:

(a) Indoor furniture, household appliances, building materials, tools, auto parts, non-waste toys, papers of every description, discarded sand, broken limbs, discarded gravel, ashes, brick bats, tin cans, empty glass containers, trash, garbage, firewood not neatly stacked, lumber, mattresses, yard maintenance items, usable items left in the yard for



days at a time, discarded materials of every kind, all of which is left in front, back or side yards, not under roof, for more than seven (7) days; or

(b) Non-waste building material left in front, back or side yards for more than thirty (30) days is a violation. (as replaced by Ord. #912, March 2014, and amended by Ord. #961, April 2018)

**13-108. Application and enforcement.** (1) In addition to the general penalty provisions of this code, under which each day of violation shall constitute a separate offense, this section shall apply to the enforcement of all the property maintenance regulations under title 13 of this code.

(2) Designation of public officer or department. The mayor and board of commissioners shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the mayor and board of commissioners to enforce this section to serve notice upon the owner 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, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays, The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record, or hand delivered with the deliverer obtaining the owner's signature confirming receipt of the notice, The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-107 of the City of Sweetwater's Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner 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 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 property owner's expense, If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20)) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the mayor and board of commissioners 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, and the costs thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner 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 of 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 Monroe 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 assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed 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 may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean-up of owner-occupied property. When the owner 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 mayor and board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until 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 collectible as provided in subsection (4) for these charges,

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the mayor and board of commissioners. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (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 mayor and board of commissioners 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 the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

(9) Violations and penalty. Any person violating this ordinance shall be subject to a penalty under the general penalty provision of the code. Each day the violation of this ordinance continues shall be considered a separate violation. (as added by Ord. #897, June 2013, and amended by Ord. #961, April 2018)

## CHAPTER 2

### SLUM CLEARANCE<sup>1</sup>

#### SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

**13-201. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of commissioners finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

**13-202. Definitions.** (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of commissioners charged with governing the city.

(3) "Municipality" shall mean the City of Sweetwater, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

(6) "Place of public accommodation" means 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" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

**13-203. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the code enforcement officer of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the code enforcement officer.

**13-204. Initiation of proceedings; hearings.** Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

**13-205. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such

determination and shall issue and cause to be served upon the owner thereof an order:

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

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

**13-206. When public officer may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

**13-207. When public officer may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

**13-208. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Monroe County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom

said 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. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Monroe County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Sweetwater to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

**13-209. Basis for a finding of unfitness.** The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Sweetwater. 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 uncleanness.

**13-210. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Monroe County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

**13-211. Enjoining enforcement of orders.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the

posting and service of the order of the public officer, such person shall file such bill in the court.

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

**13-212. Additional powers of public officer.** The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

**13-213. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.

**13-214. Structures unfit for human habitation deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.



## CHAPTER 3

### REGULATION OF JUNKED VEHICLES ON PUBLIC AND PRIVATE PROPERTY

#### SECTION

- 13-301. Definitions.
- 13-302. Violations a civil offense.
- 13-303. Exceptions.
- 13-304. Enforcement.
- 13-305. Removal of junked motor vehicle by city.
- 13-306. Penalty for violations.

**13-301. Definitions.** For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(b) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled.

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;

(ii) Missing inoperative or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, clutch, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including,

but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing inoperative or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch pedal, brake pedal, gear shift lever.

(v) Missing inoperative or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, brakes or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method;

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

**13-302. Violations a civil offense.** It shall be unlawful and a civil offense for any person:

(1) To park and/or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle for more than sixty (60) days.

**13-303. Exceptions.** (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not

exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for the parking or storage of such vehicles. However, this exception shall not exempt the owner or occupant of the property from any other zoning, building, property maintenance and other regulations governing the manner in which such vehicles can be kept on such property.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city.

**13-304. Enforcement.** Pursuant to Tennessee Code Annotated, § 7-63-101, whenever any junked motor vehicle is found within the City of Sweetwater in violation of this chapter, the code enforcement officer shall cause the owner or occupant of the premises on which such vehicle is located to be served with an order to remove such vehicle within ten (10) days after service of such order. It shall be unlawful for the owner or occupant of the premises to fail, neglect, or refuse to obey such order within ten (10) days after service of same.

**13-305. Removal of junked motor vehicle by city.** If the premises on which the junked motor vehicle is located are unoccupied and the owner or agent thereof cannot be found, or by permission of the owner of the premises, the code enforcement officer shall enter upon the property and cause the junked motor vehicle or vehicles to be removed in accordance with Tennessee Code Annotated, §§ 55-16-101 through 55-16-109. If the owner or occupant of the premises where the vehicle is located or the owner of the vehicle has failed to comply with the provisions of § 13-304, then the code enforcement officer shall have the same authority to take action as set out hereinabove in this section.

**13-306. Penalty for violations.** Any person violating this chapter shall be subject to a civil penalty under the general penalty provision of this code for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation.

## CHAPTER 4

### WEEDS, ETC.

#### SECTION

13-401. Noxious growth of weeds, etc., unlawful.

13-402. Weeds, etc., to be cut.

13-403. Drains and vision to be unobstructed.

13-404. City may do work.

13-405. Violation and penalty.

**13-401. Noxious growth of weeds, etc., unlawful.** It shall be unlawful for any person owning, leasing, occupying, or having control of property in the city, regardless of whether the property is a vacant lot or contains any form of structure, to permit the growth upon such property of weeds, grass, brush, and all other rank or noxious vegetation to a height greater than twelve (12) inches when such growth is within 200 feet of occupied residential or commercial property, or is within 200 feet of any street, thoroughfare, or highway, within the city. The failure to cut and/or destroy such weeds, grass, brush, and all other rank or noxious vegetation shall constitute a violation of this section. (1982 Code, § 8-601)

**13-402. Weeds, etc., to be cut.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property. It shall be unlawful for any person to fail to comply with the written order of the city building inspector, health officer, chief of police, or any city police officer to cut such vegetation within ten (10) days when it has reached a height of over one (1) foot. (1982 Code, § 8-602, modified)

**13-403. Drains and vision to be unobstructed.** In complying with this chapter, it shall be unlawful for any person owning, leasing, occupying, or having control of property in the city to rake up, cut up, or pile up said weeds, grass, brush, vegetation, dead or broken tree limbs, dead trees, or rubbish into any ditch or natural drain or at any place on the property that might obstruct the vision of the operators of vehicles and pedestrians and obstruct the flow of water drainage. (1982 Code, § 8-603)

**13-404. City may do work.** When any property owner or tenant fails to comply with the order of the city building inspector, health officer, chief of police, or any city police officer to cut weeds or clean up his property, the city may do or have the work done and charge the violator for the reasonable costs thereof. The city may maintain any appropriate legal action to collect such costs. In addition, the city may charge such costs to the property as a special tax

assessment in the year incurred to be collected by the city tax collector. (1982 Code, § 8-604)

**13-405. Violation and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this municipal code. Each day a violation shall continue shall be a separate offense.

## CHAPTER 5

### EXCAVATION ACTIVITIES ON PRIVATE PROPERTY

#### SECTION

13-501. Purpose.

13-502. Definitions.

13-503. Permit required.

13-504. Violations and penalty.

**13-501. Purpose.** The purpose of this chapter is to protect the general health, safety, and welfare of the residents of the city from the hazards and danger of flooding and inadequate or improper drainage, to reduce the possibility of damage, injury, and restricted access to utility lines and other subsurface structures, and not to interfere with the use of property or the rights of adjacent property owners.

**13-502. Definitions.** Excavation activities shall mean excavation, boring, grading, tunneling, backfilling, the removal of any above ground structure, and all other earthmoving operations.

**13-503. Permit required.** (1) Any person, firm, or corporation who anticipates excavation activities within the corporate limits of the city, shall, before the excavation commences, obtain an "Excavation Activities Permit" from the city's code enforcement office not less than seventy-two (72) hours prior to the commencement of excavation activities. In the event of an emergency which would require emergency excavation, the person, firm, or corporation undertaking such emergency excavation, prior to excavation, shall notify the code enforcement officer by telephone or personal communication, of the emergency and the need for emergency excavation without an issued permit. Should the code enforcement office be closed and/or the code enforcement officer can not be contacted, then the person, firm, or corporation undertaking such emergency excavation shall notify the Sweetwater Utility Board's General Manager or the appointed representative of the Sweetwater Utility Board of the emergency and the need for emergency excavation prior to excavation. If the emergency provision of this section is acted upon, then the proper application will be made by the person, firm, or corporation who enacted such provision as soon as the code enforcement office reopens or the code enforcement officer can be contacted to issue the required permit.

(2) **Permit applications.** Applications for the required permit shall be made to the code enforcement officer of the city and shall state thereon the location of the intended excavation activities, 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 related to the work being done. Such application shall be rejected or approved by the code enforcement officer and by the Sweetwater Utility Board's General Manager or by the appointed representative of the Sweetwater Utility Board within forty-eight (48) hours of its filing.

**13-504. Violations and penalty.** Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day excavation activities shall continue without a permit shall constitute a separate offense.

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING CODE.
3. ZONING DISTRICTS.
4. SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS.
5. EXCEPTIONS AND MODIFICATIONS.
6. ADMINISTRATION AND ENFORCEMENT.
7. FLOODPLAIN ZONING ORDINANCE.
8. BONDING REQUIREMENTS FOR ALL SITE PLANS.
9. HISTORIC DISTRICTS AND LANDMARKS.
10. LANDSCAPE ORDINANCE.
11. PAIN MANAGEMENT AND METHADONE CLINICS.

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

- 14-101. Creation and membership.  
14-102. Organization, powers, duties, etc.

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the Planning Commission for the City of Sweetwater. The planning commission shall consist of nine (9) members. One member shall be the mayor of the city and one member shall be a city commissioner selected by the mayor and board of commissioners. The other seven (7) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the seven (7) appointive members of the planning commission shall be for seven (7) years each. The seven (7) members first appointed shall be appointed for terms of one, two, three, four, five, six, and seven years respectively so that the term of one member expires each year. The term of the member selected from the mayor and board of commissioners shall run concurrently with his membership on the board. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor who shall also have authority to remove any appointive member at his pleasure. (1982 Code, § 11-101)



**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of "Tennessee Code Annotated", title 13. (1982 Code, § 11-102)

## CHAPTER 2

### ZONING CODE

#### SECTION

- 14-201. Zoning code and zoning map.
- 14-202. Purpose of zoning code.
- 14-203. Definitions.

**14-201. Zoning code and zoning map.** Title 14, chapters 2 through 7, inclusive, of this code shall be known as the zoning code, and a map entitled "Zoning Map of Sweetwater, Tennessee", dated June 28, 1973,<sup>1</sup> and referred to in this code as the zoning map and all explanatory matter thereon is hereby made a part of the zoning code. (1982 Code, § 11-201)

**14-202. Purpose of zoning code.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, floods, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration among other things as to the character of each district and its peculiar uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (1982 Code, § 11-202)

**14-203. Definitions.** For the purpose of this zoning code and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout the zoning code. Terms not herein

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<sup>1</sup>Amendments to the zoning map are of record in the office of the city recorder.

defined shall have the meaning customarily assigned to them.

(1) "Accessory apartment." A smaller dwelling unit that has been added onto, or created within, a single-family dwelling.

(2) "Accessory building." A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

(3) "Accessory use." A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

(4) "Agriculture use." This includes all forms of agriculture, including the growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, forests, and woods, however, feed lots and other similar large-scale operations are prohibited and all health ordinances of Sweetwater shall be complied with.

(5) "Alley." A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

(6) "Area, building." The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

(7) "Assisted living facility." Residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may also provide other services such as recreational activities and transportation.

(8) "Automobile wrecking." The dismantling, storage, sale or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated, and are placed, located, or found.

(9) "Bed and breakfast establishment." A private home, inn, or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and have four (4), but no more than twelve (12), guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

(10) "Bed and breakfast homestay." A private home, inn, or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

(11) "Boutique hotel." A small hotel which strives to be one-of-a-kind and typically has between ten (10) and one hundred (100) rooms in unique settings with upscale accommodations and individualized unique selling points. A "boutique hotel" often conveys a strong sense of place and pride in its location's heritage.

(12) "Building." Any structure intended for shelter, housing, or enclosure of persons, animals, or chattels, including tents, lunch wagons, dining cars, mobile homes, and similar structures whether stationary or mobile.

(13) "Building area of a lot." That portion of a lot bounded by the required rear yard, side yards, and the front building set back lines.

(14) "Building, principal." A building in which is conducted the principal or main use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a principal building of the lot on which it is situated.

(15) "Building setback line." A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

(16) "Building setback line, front." A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way line, and the building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

(17) "Building setback line, rear." A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

(18) "Building setback line, side." A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

(19) "Business services." Establishments primarily engaged in rendering services primarily to other commercial enterprises and business establishments, or which services and/or repairs appliances and machines used in a home or business.

(20) "Cultural facilities." Establishments relating to cultural, historic, educational, or natural interests, such as theaters, museums, art galleries, libraries, and other such similar facilities.

(21) "Dwelling." A building or portion thereof used for residential purposes.

(22) "Dwelling, multiple." A building designed for occupancy by three (3) or more families living independently of each other.

(23) "Dwelling, single-family." A freestanding building designed for occupancy by one (1) family.

(24) "Dwelling, two-family." A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

(25) "Dwelling unit." One (1) or more rooms and a single kitchen designed as a unit for occupancy by only one (1) family for cooking, living, and sleeping purposes.

(26) "Engineered fall zone." The area a telecommunication tower may be expected to fall in the event of a structural failure, as measured by engineering standards.

(27) "Excessive noise levels." Continuous or episodic noise levels beyond a normal or acceptable limit. Excessive continuous noise levels can be heard indoors on neighboring properties or creates an annoyance outdoors on neighboring properties. Excessive episodic noise levels would startle the average person when awake or waken the average sleeping person.

(28) "Flood." An overflow of lands not normally covered by water that results in significant effects in the vicinity. For the purpose of chapters 2 through 6 of this title, land subject to flood shall be considered to be land which is at an elevation lower than the elevation of the regional flood.

(29) "Floodway." The channel of the stream and that portion of the adjoining floodplain designed by the mayor and board of commissioners to reasonably provide for the passage of flood flows.

(30) "Floodway fringe areas." Areas lying outside the floodway district but within the area which would be flooded by the regional flood.

(31) "General offices." A room or a group of rooms used for conducting the affairs of a business, dental, government, veterinary, medical or professional office and generally furnished with desks, tables, files, and communication equipment.

(32) "Group home." A nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, also provides some combination of personal care, social or counseling services, limited medical services, and transportation.

(33) "Height of building." The vertical distance from the established average sidewalk grade, street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

(34) "Junkyard or salvage yard." A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

(35) "Loading space." A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a truck or other vehicle.

(36) "Lot." A piece, parcel, or plot of land in one (1) ownership, which may include one (1) or more lots of record, occupied or to be occupied by one (1) principal building and its accessory building including the open spaces required under chapters 1 through 8 of this title.

(37) "Lot lines." The boundary dividing a given lot from the streets, an alley, or adjacent lots.

(38) "Lot of record." A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the

description of which has been recorded in the office of the county register of deeds.

(39) "Medical facilities." Hospitals, specialized treatment facilities, surgical centers, twenty-four (24) hour emergency center, heliports for emergency transport, medical laboratories, and other similar facilities that provide for medical care outside a standard doctor's office.

(40) "Mental health related facilities." See "Group home."

(41) "Minimum floor elevation." The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

(42) "Mobile home (trailer)." A detached single-family dwelling unit with the following characteristics:

(a) Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.

(c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

(43) "Mobile home or trailer park." Any area, tract, site, or plot of land whereupon mobile homes as herein defined are placed, located, or maintained, or intended to be placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

(44) "Nonconforming use." A building, structure, or use of land existing at the time of enactment of the zoning code which does not conform to the regulation of the district in which it is situated.

(45) "Noxious matter." Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or psychological well-being of individuals.

(46) "Office warehouses." Offices with indoor warehouse space, which are often used for construction trades, such as contractors, plumbers, and electricians, and house care services, such as termite and pest control services.

(47) "Opacity (screening)." The degree of openness for which light or views are blocked or obscured by fencing or vegetative landscaping when viewed horizontally from grade level.

(48) "Open space." Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

(49) "Parking lot." An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

(50) "Parking space." A temporary storage space for the parking of a motor vehicle within a public or private parking area that is directly accessible to an access aisle and that is not located on a street right-of-way.

(51) "Personal services." Establishments primarily engaged in providing services involving the care of a person or of his or her personal goods or apparel. Such services include funeral services, beauty and barber shops, shoe repair, laundry and associated services, salons and health clubs, diaper service, clothing rental, and other similar activities.

(52) "Principal use." The specific primary purpose for which land or a building is used.

(53) "Public safety facility." A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. "Public safety facilities" include shelter and training facilities for canine units of public safety agencies.

(54) "Public works facility." A facility operated by the municipal public works departments to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles.

(55) "Recreational Vehicle (RV)." A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

(56) "Recreational vehicle park." Any lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

(57) "Research, development, and/or testing laboratories/facilities." Facilities where research, development, and/or testing is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication and information technology, electronics and instrumentation, and computer hardware and software. Such an establishment often includes pilot plant operations to create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

(58) "Residential treatment facilities." See "Group home."

(59) "Retail sales." Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. These establishments are a place of business and are engaged in activity to attract the general public to buy.

(60) "Shelter, fallout." A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

(61) "Short-term rental unit." A residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel, a bed and breakfast establishment, or a bed and breakfast homestay.

(62) "Sign, billboard, or other advertising device." Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of, an announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

(63) "Solar farm." An energy system operated as a principal use for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of electricity generation, heating, and cooling, and/or water heating.

(64) "Storage yard." The storage of materials outdoors as a principal use of land for more than twenty-four (24) hours. May include such items as mulch, landscape materials, lumber, building materials, construction block, and other similar items.

(65) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight feet (8') or more of head clearance equals fifty percent (50%) or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight feet (8') or more of head clearance equals less than fifty percent (50%) of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if its ceiling is more than five feet (5') above the level from which the "height of building" is measured or if it is used for residential purposes other than for a janitor or domestic servant, including the families of the same, employed in the building.

(66) "Street." A public thoroughfare which affords the principal means of access to abutting property.

(67) "Structure." Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including, among other things, signs and billboards.

(68) "Swimming pools." All outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet (1-1/2).



(69) "Travel trailer." See "Recreational vehicle."

(70) "Travel trailer park." See "Recreational vehicle park."

(71) "Use." The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

(72) "Vehicle operations facility." A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, vehicles for hire, school buses, utility vehicles, and other similar vehicles.

(73) "Warehouse and distribution." An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

(74) "Wholesale establishment." A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinate services. (1982 Code, § 11-203, modified, as amended by Ord. #922, May 2015, Ord. #957, Feb. 2018, and Ord. #983, Dec. 2020 **Ch7\_02-07-22**)

## CHAPTER 3

### ZONING DISTRICTS

#### SECTION

- 14-301. Classification of districts.
- 14-302. Zoning map.
- 14-303. Zoning district boundaries.
- 14-304. Application of district regulations.
- 14-305. A-1 Agricultural district.
- 14-306. R-1 Low density residential district.
- 14-307. R-2 High density residential district.
- 14-308. R-3 High density, downtown residential district.
- 14-309. P-1 Professional and civic district.
- 14-310. C-2 Central business district.
- 14-311. C-3 General commercial districts.
- 14-312. C-4 Local general commercial.
- 14-313. C-5 Interstate/interchange district.
- 14-314. M-1 General Industrial zoning district.
- 14-315. M-2 Heavy industrial district.
- 14-316. TND-Traditional neighborhood development district.
- 14-317. Special flood hazard overlay district.
- 14-318. H-1 Historic zoning overlay district.
- 14-319. T telecommunication tower zoning overlay district.
- 14-320. R-4 High density urban residential district.

**14-301. Classification of districts.** For the purposes of this chapter, the City of Sweetwater, Tennessee, is hereby divided into fifteen (15) zoning districts as follows:

<u>Zoning District</u>	<u>District Abbreviation</u>
Agricultural District	A-1
Low Density Residential District	R-1
High Density Residential District	R-2
High Density Downtown Residential District	R-3
Traditional Neighborhood Development District	TND
Professional and Civic District	P-1
Central Business District	C-2

General Commercial District	C-3
Local General Commercial District	C-4
Interstate/Interchange District	C-5
General Industrial District	M-1
Heavy Industrial District	M-2
Special Flood Hazard Area Overlay District	
Historic Zoning Overlay District	H-1
Telecommunication Tower Overlay District	T
High Density Urban Residential District	R-4

(1982 Code, § 11-301, modified, as amended by Ord. #772, Oct. 2004, and Ord. #814, Dec. 2007, and replaced by Ord. #984, Dec. 2020 **Ch7\_02-07-22** and Ord. #993, Nov. 2021 **Ch7\_02-07-22**)

**14-302. Zoning map.** The city is hereby divided into zones, or districts, as shown on the official zoning map entitled, "Zoning Map Sweetwater, Tennessee." The zoning map or zoning map amendments shall be dated with the effective date of the ordinance that adopts the zoning map or the zoning map amendments. Certified prints of the zoning map or zoning map amendments shall be maintained in the office of the city recorder of Sweetwater, Tennessee, and shall be available for inspection by the public at reasonable times, as long as this chapter remains in effect. (1982 Code, § 11-302, as replaced by Ord. #984, Dec. 2020 **Ch7\_02-07-22**)

**14-303. Zoning district boundaries.** Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, or the corporate limit lines as they exist at the time of the enactment of the zoning code. Questions concerning the exact locations by district boundaries shall be determined by the board of zoning appeals.

Where a district boundary divides a lot existing at the time the zoning code takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portions of said lot as are not more than twenty (20) feet within the more restricted district.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting

street, except the corner or corners, is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the street in that block. It is the purpose of chapters 1 through 8 of this title to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the board of zoning appeals shall have authority to determine on which street the business or industrial use shall face or front so that the spirit of the zoning code shall be observed. (1982 Code, § 11-303)

**14-304. Application of district regulations.** The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of the lot area; to have narrower or smaller rear yards, front yards, side yards, or other open space than herein required. Uses not expressly permitted are prohibited.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking and loading space similarly required for any other building. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter. (1982 Code, § 14-304, as replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-305. A-1 Agricultural district.** This district is established to permit lands best suited for agricultural uses to be preserved for these purposes; and to prevent lands unsuitable for development of a non-rural nature due to location, steep slopes, impermeability or shallowness of soils, flooding, bad drainage, high water table, wetlands, sinkholes, or other features which render uneconomical the provision of urban capacity streets, sanitary sewers, water supply, and fire protection. It is intended that such areas permit small scale farms or estate-sized properties served with on-site sewage disposal and wells.

It is further intended to exclude those uses of urban land use intensity in order to avoid the excessive costs for public services. Within the A-1, Agricultural District, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply:

- (1) Uses permitted.
  - (a) Agriculture uses.
  - (b) Detached single-family dwellings. A second single-family dwelling may be constructed on a parcel provided such parcel is larger than fifteen (15) acres, is an active farm, and is enrolled in the greenbelt program.
  - (c) Customary home occupations, provided the conditions in § 14-403 are met.
  - (d) Public utilities, but not including offices, other buildings, storage areas, or warehousing facilities.
  - (e) Roadside farm stands, provided it is for the sale of agricultural products produced on the premises and that it is set back a minimum of fifteen feet (15') from the roadway and located no closer than two hundred feet (200') to the nearest residence other than the farmstead with which it is associated.
  - (f) Churches and other places of worship, provided buildings are set back a minimum of fifty feet (50') from all property lines and parking lots are set back a minimum of ten feet (10') from all property lines.
  - (g) Cemeteries, provided the conditions in § 14-412 are met.
  - (h) Accessory uses, provided the conditions in § 14-402 are met.
- (2) Area regulations. Buildings and other structures, excluding fences and signs, shall be located so as to comply with the following requirements:
  - (a) Land area. No farm or other parcel of land shall be reduced in area to provide separate lots or building sites less than three (3) acres.
  - (b) Front yard. The minimum depth of the front yard shall be fifty feet (50').
  - (c) Side and rear yard. The minimum side and rear yard for principal buildings shall be thirty-five feet (35') and for accessory buildings, ten feet (10').
  - (d) Lot width. No lot shall be less than one hundred feet (100') wide at the building setback line.
  - (e) Maximum lot coverage. Principal farm and agricultural accessory buildings shall cover not more than five percent (5%) of the total lot area. Permitted non-agricultural principal and accessory buildings shall cover not more than twenty percent (20%) of the lot area.
- (3) Height regulations. No building shall exceed two and one-half (2-1/2) stories and/or thirty-five feet (35') in height, except as provided in § 14-505.

(4) Off-street parking. As regulated in §§ 14-404,14-405, and the landscape ordinance. (1982 Code, § 11-305, as amended by Ord. #682, July 1996, modified, and replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-306. R-1 Low density residential district.** This district is established to provide for lower density residential options. Within the R-1 Low density residential district, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) Uses permitted. (a) Detached single-family dwellings and accessory apartments. A second single-family dwelling may be constructed on a parcel provided such parcel is larger than fifteen (15) acres, is an active farm, and is enrolled in the greenbelt program.

(b) Customary home occupations, provided the conditions in § 14-403 are met.

(c) Bed and breakfast homestays, provided parking lots are set back a minimum of ten feet (10') from all property lines.

(d) Short-term rental units, provided an annual permit is obtained from the City of Sweetwater.

(e) Public utilities, but not including offices, other buildings, storage areas, or warehousing.

(f) Public parks.

(g) Educational facilities providing education for grades K-12, provided buildings are set back a minimum of fifty feet (50') from all property lines and parking lots are set back a minimum of ten feet (10') from all property lines.

(h) Churches and other places of worship, provided buildings are set back a minimum of fifty feet (50') from all property lines and parking lots are set back a minimum of ten feet (10') from all property lines.

(i) Cemeteries, provided the conditions in § 14-412 are met.

(j) Golf courses, country clubs, and civic clubs provided the following conditions are met:

(i) Buildings are set back a minimum of fifty feet (50') from all property lines;

(ii) Parking lots are set back a minimum of ten feet (10') from all property lines;

(iii) A twenty-foot (20') wide buffer strip is planted per § 14-1007 between buildings and adjacent residential lots; and

(iv) In addition to parking lots being landscaped per § 14-1005, large evergreen shrubs shall be planted to shield vehicle headlights from adjacent residential lots.

(k) Accessory uses, provided the conditions in § 14-402 are met.

(2) Area regulations. Buildings and other structures, excluding fences and signs, shall be located so as to comply with the following requirements:

(a) Land area: Minimum lot area for single-family dwellings: twelve thousand (12,000) square feet

(b) Front yard. The minimum depth of the front yard shall be thirty feet (30').

(c) Side yard. The minimum depth of the side yard shall be fifteen feet (15').

(d) Rear yard. The minimum depth of the rear yard shall be twenty-five feet (25').

(e) Location of accessory buildings. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five feet (5') from all lot lines and from any other buildings on the same lot.

(f) Lot width. No lot shall be less than one hundred feet (100') wide at the building setback line.

(g) Maximum lot coverage. Principal and accessory buildings shall cover not more than forty percent (40%) of the total lot area.

(3) Height regulations. No building shall exceed three (3) stories and/or thirty-five feet (35') in height except as provided for in § 14-505. No accessory building shall exceed fifteen feet (15') in height.

(4) Off-street parking. As regulated in §§ 14-404,14-405, and the landscape ordinance. (1982 Code, § 11-306, as amended by Ord. #571, May 1985, and replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-307. R-2 High density residential district.** This district is established to provide for higher density residential options. Within the R-2 High density residential district, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) Uses permitted. (a) Detached single-family dwellings and accessory apartments.

(b) Two-family dwellings.

(c) Multiple family dwellings, provided such facilities comply with the following requirements:

(i) The property shall front on and have direct access to a street that has a paved surface that is a minimum of twenty feet (20') in width with a minimum of two-foot (2') wide paved or gravel shoulders;

(ii) All buildings shall be set back a minimum of twenty feet (20') from all side and rear property lines;

(iii) There shall be a minimum distance of twenty feet (20') between buildings;

(iv) All parking lots and driveways shall be set back a minimum of ten feet (10') from all property lines; and

(v) The complex shall be connected to public water and sewer.

(d) Mobile home parks, provided the conditions in § 14-410 are met and that the property fronts on and has direct access to a street that has a paved surface that is a minimum of twenty feet (20') in width with a minimum of two-foot (2') wide paved or gravel shoulders.

(e) Customary home occupations, provided the conditions in § 14-403 are met.

(f) Nursing homes, assisted living facilities, group homes, residential treatment facilities, and mental health related facilities, provided such facilities comply with the following requirements:

(i) The property shall front on and have direct access to a street that has a paved surface that is a minimum of twenty feet (20') in width with a minimum of two-foot (2') wide paved or gravel shoulders;

(ii) All buildings shall be set back a minimum of thirty feet (30') from all property lines;

(iii) There shall be a minimum distance of twenty feet (20') between buildings;

(iv) All parking lots and driveways shall be set back a minimum of ten feet (10') from all property lines; and

(v) All facilities shall be connected to public water and sewer.

(g) Day care centers, provided the conditions in § 14-414 are met and that such facilities comply with the following requirements:

(i) The property shall front on and have direct access to a street that has a paved surface that is a minimum of twenty feet (20') in width with a minimum of two-foot (2') wide paved or gravel shoulders;

(ii) All buildings shall be set back a minimum of twenty feet (20') from all side and rear property lines;

(iii) All parking lots and driveways shall be set back a minimum of ten feet (10') from all property lines; and

(iv) A fenced outdoor usable play space area of not less than fifty (50) square feet of space per child shall be provided. Such fenced area shall be set back a minimum of thirty feet (30') from all front property lines and ten feet (10') from all side and rear property lines.

(h) Public utilities, but not including offices, other buildings, storage areas, or warehousing.

(i) Public parks.



(j) Educational facilities providing education for grades K-12, provided buildings are set back a minimum of thirty feet (30') from all property lines and parking lots are set back a minimum of ten feet (10') from all property lines.

(k) Churches and other places of worship, provided buildings are set back a minimum of twenty feet (20') from all side and rear property lines and parking lots are set back a minimum of ten feet (10') from all property lines.

(l) Cemeteries, provided the conditions in § 14-412 are met.

(m) Cultural facilities and civic clubs, provided the following conditions are met:

(i) Buildings are set back a minimum of twenty feet (20') from all side and rear property lines;

(ii) Parking lots are set back a minimum of ten feet (10') from all property lines; and

(iii) In addition to parking lots being landscaped per § 14-1005, large evergreen shrubs shall be planted to shield vehicle headlights from adjacent residential lots.

(n) Bed and breakfast establishments and bed and breakfast homestays, provided parking lots are set back a minimum of ten feet (10') from all property lines.

(o) Short-term rental units, provided an annual permit is obtained from the City of Sweetwater.

(p) Accessory uses, provided the conditions in § 14-402 are met.

(2) Area regulations. Buildings and other structures, except fences and signs, shall be located so as to comply with the following requirements:

(a) Land area. Minimum lot area for single-family dwellings: nine thousand (9,000) square feet. Minimum additional lot area for second dwelling unit: three thousand (3,000) square feet. Minimum additional lot area for each additional dwelling unit: two thousand five hundred (2,500) square feet.

(b) Front yard. The minimum depth of the front yard shall be thirty feet (30').

(c) Side yard. The minimum depth of the side yard shall be twelve feet (12') for one- and two-story buildings and fifteen feet (15') for three-story buildings.

(d) Rear yard. The minimum depth of the rear yard shall be fifteen feet (15').

(e) Location of accessory buildings. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five feet (5') from all lot lines and from any other buildings on the same lot.

(f) Buffer strips. Buffer strips shall be provided per the landscape ordinance.

(g) Lot width. No lot shall be less than seventy-five feet (75') wide at the building setback line.

(h) Maximum lot coverage. Principal and accessory buildings shall cover not more than fifty percent (50%) of the total lot area.

(3) Height regulations. No building shall exceed three (3) stories and/or thirty-five feet (35') in height except as provided for in § 14-505. No accessory building shall exceed fifteen feet (15') in height.

(4) Off-street parking. As regulated in §§ 14-404, 14-405, and the landscape ordinance. (Ord. #637, Dec. 1991, as replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-308. R-3 High density, downtown residential district.** This district is established to provide for higher density residential options in the downtown Sweetwater area. Within the R-3 High density downtown residential district, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) Uses permitted. (a) Detached single-family dwellings and accessory apartments.

(b) Two-family dwellings.

(c) Customary home occupations, provided the conditions in § 14-403 are met.

(d) Public utilities, but not including offices, other buildings, storage areas, or warehousing.

(e) Public parks.

(f) Educational facilities providing education for grades K-12, provided buildings are set back a minimum of thirty feet (30') from all property lines and parking lots are set back a minimum of ten feet (10') from all property lines.

(g) Churches and other places of worship, provided buildings are set back a minimum of twenty feet (20') from all side and rear property lines and parking lots are set back a minimum of ten feet (10') from all property lines.

(h) Cemeteries, provided the conditions in § 14-412 are met.

(i) Cultural facilities and civic clubs, provided the following conditions are met:

(i) Buildings are set back a minimum of twenty feet (20') from all side and rear property lines;

(ii) Parking lots are set back a minimum of ten feet (10') from all property lines; and

(iii) In addition to parking lots being landscaped per § 14-1005, large evergreen shrubs shall be planted to shield vehicle headlights from adjacent residential lots.

(j) Bed and breakfast homestays, provided parking lots are set back a minimum of ten feet (10') from all property lines.

(k) Short-term rental units, provided an annual permit is obtained from the City of Sweetwater.

(l) Accessory uses, provided the conditions in § 14-402 are met.

(2) Area regulations. Buildings and other structures, except fences and signs, shall be located so as to comply with the following requirements:

(a) Land area. Minimum lot area for single-family dwellings: seven thousand five hundred (7,500) square feet. Minimum additional lot area for accessory apartment: four thousand five hundred (4,500) square feet. Minimum lot area for two-family dwellings: twelve thousand (12,000) square feet

(b) Front yard. The minimum depth of the front yard shall be twenty-five feet (25').

(c) Side yard. The minimum depth of the side yard shall be ten feet (10').

(d) Rear yard. The minimum depth of the rear yard shall be ten feet (10').

(e) Location of accessory buildings. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five feet (5') from all lot lines and from any other buildings on the same lot.

(f) Lot width. No lot shall be less than seventy-five feet (75') wide at the building setback line.

(g) Maximum lot coverage. Principal and accessory buildings shall cover not more than sixty percent (60%) of the total lot area.

(3) Height regulations. No building shall exceed two (2) stories and/or thirty-five feet (35') in height except as provided for in § 14-505. No accessory building shall exceed fifteen feet (15') in height.

(4) Off-street parking. As regulated in § 14-404, 14-405, and the landscape ordinance. (1982 Code, § 11-307, modified, as replaced by Ord. #984, Dec. 2020 *Ch 7\_02-07-22*)

**14-309. P-1 Professional and civic district.** This district is established to provide areas for the development of professional offices and services, hospitals, and churches and other places of worship. Within the P-1 Professional and Civic District, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) Uses permitted. (a) Those uses permitted and as regulated in the R-2 High density residential district.

(b) General offices.

(c) Personal services.

- (d) Hospitals.
- (2) Area regulations. Buildings and other structures, except fences and signs, shall be located so as to comply with the following requirements.
- (a) Those uses permitted within the R-2 High density residential district shall meet the minimum requirements established in the R-2 High density residential district.
- (b) Land area. Minimum lot area: twelve thousand (12,000) square feet.
- (c) Front yard. The minimum depth of the front yard shall be twenty feet (20').
- (d) Side yard. The minimum depth of the side yard shall be ten feet (10').
- (e) Rear yard. The minimum depth of the rear yard shall be ten feet (10').
- (f) Buffer strips. Buffer strips shall be provided per the landscape ordinance.
- (3) Height regulations. No building shall exceed three (3) stories and/or forty feet (40') in height except as provided for in § 14-505.
- (4) Off-street parking. As regulated in §§ 14-404, 14-405, and the landscape ordinance. (1982 Code, § 11-309, as amended by Ord. #543, Jan. 1983, modified, Ord. #904, Sept. 2013, and Ord. #954, Dec. 2017, and replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-310. C-2 Central business district.** This district is established to protect and improve the downtown shopping area of Sweetwater and to discourage uses which do not require a central location and which are not compatible with the function of the area as a central business district. Within the C-2 Central business district, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

- (1) Uses permitted. (a) Small-scale retail sales, provided there is no outdoor sales or storage. Sidewalk sales permitted.
- (b) General offices.
- (c) Boutique hotels.
- (d) Financial institutions.
- (e) Indoor eating and drinking establishments, outdoor seating permitted.
- (f) Personal services.
- (g) Dwelling units, provided such dwellings are located on the upper floors of an existing or proposed commercial establishment or if located on the ground floor not in spaces fronting on Main Street, Monroe Street, W. Walnut Street, W. Morris Street, Miller Street, and W. North Street (two hundred seventy feet (270') from Main Street). All units shall meet minimum building and fire codes.

(h) Customary home occupations, provided the conditions in § 14-403 are met.

(i) Indoor recreation establishments.

(j) Parking lots and parking garages.

(k) Churches and other places of worship.

(l) Cultural facilities.

(m) Civic clubs.

(n) Public utilities and associated offices, but not other buildings, storage areas, or warehousing.

(o) Accessory uses, provided the conditions in § 14-402 are met.

(2) Area regulations. (a) There are no specific building setback requirements except as needed to provide off-street loading and unloading as specified in § 14-405.

(b) General lot restrictions. More than one (1) principal building may be permitted on a single lot.

(3) Height regulations. No building shall exceed three (3) stories and/or forty feet (40') in height, except as provided for in § 14-505.

(4) Off-street parking. Off-street parking is not required, however, if provided such parking shall meet the minimum requirements § 14-404 and the landscape ordinance. (1982 Code, § 11-310, as amended by Ord. #548, June 1983, Ord. #658, Dec. 1993, Ord. #677, Nov. 1995, modified, and Ord. #881, July 2012, and as replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-311. C-3 General commercial districts.** This district is established to provide for commercial activities along the major collector and arterial highways in the city. Regulations are designed to preserve the traffic-carrying capacity of the streets by restricting access and providing for off-street parking and loading. It is not the intent of this district to encourage extensive strip commercial development, but rather to provide concentrations of general commercial activities. Within the C-3 General commercial district, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) Uses permitted. (a) Retail sales.

(b) Vehicle, including recreational vehicles and boats, sales and services, excluding tractor trailers.

(c) Mobile home sales, provided display units meet all minimum yard setback requirements.

(d) Eating and drinking establishments.

(e) Hotels, motels, and other overnight lodging establishments.

(f) Business services, provided all activities are conducted within a completely enclosed building.

(g) Personal services.

(h) General offices.

(i) Financial institutions.

- (j) Day care centers, provided the conditions in § 14-414 are met.
  - (k) Gasoline service stations, provided the conditions in § 14-408 are met.
  - (l) Self-service storage facilities (mini-warehouses), provided the conditions in § 14-416 are met.
  - (m) Nurseries and greenhouses.
  - (n) Office warehouses.
  - (o) Wholesale and distributing centers not involving more than five thousand (5,000) square feet for storage of wares to be wholesaled or distributed.
  - (p) Parking lots and parking garages.
  - (q) Cultural facilities.
  - (r) Indoor recreation facilities.
  - (s) Churches and other places of worship.
  - (t) Civic clubs.
  - (u) Group homes, residential treatment facilities, and mental health related facilities.
  - (v) Nursing homes and assisted living facilities.
  - (w) Public utilities and associated offices, but not including other buildings, storage areas, and warehousing facilities.
  - (x) Pain management and methadone clinics, provided the following conditions are met:
    - (i) Clinics shall not be located within a shopping center;
    - (ii) Clinics shall be located in a freestanding, permanent building;
    - (iii) Buildings shall be located a minimum of five hundred feet (500') from any parks, nursing homes, churches and other places of worship, day care centers, or schools offering general education; and
    - (iv) Clinics shall comply with Title 14, Chapter 11. Pain Management and Methadone Clinics, of the Sweetwater Municipal Code.
  - (y) Accessory uses, provided the conditions in § 14-402 are met.
- (2) Area regulations. Buildings and other structures, except fences and signs, shall be located so as to comply with the following requirements.
- (a) Land area. Minimum lot area: twenty-two thousand five hundred (22,500) square feet.
  - (b) Front yard. The minimum depth of the front yard shall be thirty-five feet (35').
  - (c) Side yard. The minimum depth of the side yard shall be fifteen feet (15').
  - (d) Rear yard. The minimum depth of the rear yard shall be twenty feet (20').

(e) Buffer strips. Buffer strips shall be provided per the landscape ordinance.

(f) Common lot line. Buildings may be built on a common lot line, provided that there is a mutual written consent of the property owners of the buildings directly involved and that the adjacent walls of the buildings meet the minimum fire separation as required per the adopted building codes.

(g) General lot restrictions. More than one (1) principal building may be permitted on a single lot provided that all applicable building setbacks and parking requirements are met.

(3) Height regulations. No building shall exceed three (3) stories and/or thirty-five feet (35') in height, except as provided for in § 14-505.

(4) Off-street parking. As regulated in §§ 14-404, 14-405, and the landscape ordinance. (1982 Code, § 11-311, as amended by Ord. #547, May 1983, Ord. #568, April 1985, modified, and Ord. #840, Sept. 2009, and replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-312. C-4 Local general commercial.** This district is established to provide for certain small-scale commercial oriented uses that serve the surrounding neighborhoods. Within the C-4 Local general commercial district, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) Uses permitted. (a) Small-scale retail sales, provided there is no outdoor sales or storage.

(b) Indoor eating and drinking establishments.

(c) Gasoline service stations, provided the condition in § 14-408 are met.

(d) General offices.

(e) Personal services.

(f) Financial institutions.

(g) Self-service storage facilities (mini-warehouses), provided there is no outdoor storage and the conditions in § 14-416 are met.

(h) An ancillary dwelling unit primarily meant for security purposes, provided it is incorporated into the principal building and meets all adopted building codes.

(i) Public utilities and associated offices, but not other buildings, storage areas, or warehousing.

(j) Accessory uses, provided the conditions in § 14-402 are met.

(2) Area regulations. Buildings and other structures, except fences and signs, shall be located so as to comply with the following requirements.

(a) Land area. Minimum lot area: eighteen thousand (18,000) square feet.

(b) Front yard. The minimum depth of the front yard shall be thirty feet (30').

(c) Side yard. The minimum depth of the side yard shall be fifteen feet (15').

(d) Rear yard. The minimum depth of the rear yard shall be twenty-five feet (25').

(e) Buffer strips. Buffer strips shall be provided per the landscape ordinance.

(f) Common lot line. Buildings may be built on a common lot line provided that there is a mutual written consent of the property owners of the buildings directly involved and that the adjacent walls of the buildings meet the minimum fire separation as required per the adopted building codes.

(3) Height regulations. No building shall exceed two (2) stories and/or thirty-five feet (35') in height, except as provided for in § 14-505.

(4) Off-street parking. As regulated in §§ 14-404, 14-405, and the landscape ordinance. (Ord. #741, Nov. 2001, modified, as amended by Ord. #820, Feb. 2008, and Ord. #932, Nov. 2015, and replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-313. C-5 Interstate/interchange district.** This district is established to provide commercial facilities to interstate travelers. It is not the intent of this district to provide for highway or general commercial activities for local residents. Therefore, only areas in close proximity to the interstate/interchanges will be zoned C-5. Within the C-5 Interstate/interchange district, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) Uses permitted. (a) Retail sales.

(b) Vehicle, farm implement and machinery, mobile/modular/prefabricated home, recreational vehicle, boat, and equipment rentals, sales, and services.

(c) Eating and drinking establishments.

(d) Hotels, motels, and other overnight lodging establishments.

(e) Business services.

(f) Personal services.

(g) General offices.

(h) Financial institutions.

(i) Medical facilities.

(j) Gasoline service stations, provided the conditions in § 14-408 are met.

(k) Self-service storage facilities (mini-warehouses), provided the conditions in § 14-416 are met.

(l) Nurseries and greenhouses.

(m) Kennels, provided that all animals are kept inside soundproof, heated, and air-conditioned buildings.

(n) Business and vocational schools.



- (o) Recreational vehicle parks, provided the conditions in § 14-415 are met.
  - (p) Indoor recreation.
  - (q) Outdoor recreation, such as archery and golf driving ranges, miniature golf, batting cages, go-karts, and other similar uses which do not negatively impact adjacent and nearby land uses.
  - (r) Office warehouses.
  - (s) Wholesale and distribution centers, provided that with the exception of loading docks, all activities are conducted within a completely enclosed building.
  - (t) Public utilities, including offices, other buildings, storage areas, and warehousing facilities.
  - (u) An ancillary dwelling unit primarily meant for security purposes, provided it is incorporated into the principal building and meets all adopted building codes.
  - (v) Accessory uses, provided the conditions in § 14-402 are met.
- (2) Area regulations. Buildings and other structures, except fences and signs, shall be located so as to comply with the following requirements.
- (a) Land area. The minimum lot area shall be one (1) acre.
  - (b) Front yard. The minimum depth of the front yard shall be fifty feet (50').
  - (c) Side yard. The minimum depth of the side yard shall be twenty feet (20').
  - (d) Rear yard. The minimum depth of the rear yard shall be thirty-five feet (35').
  - (e) Buffer strips. Buffer strips shall be provided per the landscape ordinance.
  - (f) General lot restrictions. More than one (1) principal building may be permitted on a single lot provided that all applicable building setbacks and parking requirements are met.
- (3) Height regulations. No building shall exceed three (3) stories and/or thirty-five feet (35') in height, except as provided for in § 14-505.
- (4) Off-street parking. As regulated in §§ 14-404, 14-405, and the landscape ordinance. (Ord. #585, July 1986, as amended by Ord. #592, Sept. 1986, modified, and replaced by Ord. #949, Jan. 2017, Ord. #957, Feb. 2018, and Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-314. M-1 Industrial zoning district.** This district is a light industrial district established to accommodate wholesale, warehouse, storage, research and development, and manufacturing activities whose external effects are restricted to the site and have no detrimental effects on the surrounding area. Land zoned for such purposes shall be free of environmental limitations, such as floodplains, steep slopes, sinkholes, and wetlands. Within the M-1 General industrial district, as shown on the "Zoning Map Sweetwater,

Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) Uses permitted.

(a) Vehicle, farm implement and machinery, recreational vehicle, boat, and equipment service, repair, and/or rental establishments.

(b) Building supply sales.

(c) Gasoline service stations, provided the conditions in § 14-408 are met.

(d) Public utilities, including offices, other buildings, storage areas, and warehousing facilities.

(e) Business services.

(f) Public works facilities.

(g) Public safety facilities.

(h) Vehicle operations facilities.

(i) Solar farms.

(j) Office warehouses.

(k) Self-service storage facilities (mini-warehouses), provided the conditions in § 14-416 are met.

(l) Wholesale establishments.

(m) Warehouse and distribution.

(n) Storage yards, provided such yards are screened from public rights-of-way.

(o) Research, development, and/or testing laboratories/facilities.

(p) Artisan-related crafts and industrial processes that are more intensive uses, such as small-scale metalworking, glassblowing, furniture making, and small-scale food production that includes preparation, processing, canning, or packaging of food products.

(q) The fabrication, compounding, assembly, processing, repair, manufacturing, packaging, and/or treatment of finished or semi-finished materials and products from previously prepared material or materials, where all operations, including storage of materials and finished goods, are contained within closed buildings. Such facilities shall not require frequent visits from customers or clients.

(r) An ancillary dwelling unit primarily meant for security purposes, provided it is incorporated into the principal building and meets all adopted building and fire codes.

(s) Accessory uses, provided the conditions in § 14-402 are met.

(2) Performance standards. All uses must comply with the performance standards established in this section unless a federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

(a) Noise. No equipment, machinery, processes, or heating/air condition systems shall generate excessive noise levels that can be heard on nearby properties.

(b) Glare and heat. No glare or heat from the activity or operation shall be detectable at any point off the lot on which the use is located. Flickering or intense sources of light shall be controlled or shielded so as to not cause a nuisance across lot lines.

(c) Vibration. No earthborn vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

(d) Dust and air pollution. Dust, noxious smells, and other types of air pollution, borne by the wind from sources within lot boundaries, shall be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

(e) Storage and use. The use and storage of caustic chemicals is prohibited. The storage of flammable chemicals is prohibited.

(f) Discharge and disposal of radioactive and hazardous waste. The discharge of fluid and the disposal of solid radioactive and hazardous waste material must comply with applicable federal, state, and local laws, and regulations governing such material or waste. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

(g) Electromagnetic interference. Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

(h) Odors. The production of noxious odors is prohibited. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove the odor.

(i) Fire and explosion hazards. Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

(3) Area regulations. Buildings and other structures, except fences and signs, shall be located so as to comply with the following requirements.

(a) Land area. The minimum lot area shall be two (2) acres.

(b) Front yard. The minimum depth of the front yard shall be twenty feet (20'). Loading docks shall be set back a minimum of thirty feet (30').

(c) Side yard. The minimum depth of the side yard shall be twenty feet (20'). Loading docks shall be set back a minimum of thirty feet (30'). When the side yard abuts a railroad or a rail spur line, there shall be no setback.

(d) Rear yard. The minimum depth of the rear yard shall be twenty feet (20'). Loading docks shall be set back a minimum of thirty

feet (30'). When the rear yard abuts a railroad or a rail spur line, there shall be no setback.

(e) Buffer strips. Buffer strips shall be provided per the landscape ordinance.

(f) General lot restrictions. More than one (1) principal building may be permitted on a single lot provided that all applicable building setbacks and parking requirements are met.

(4) Access. No industrial use shall access a residential street.

(5) Height regulations. No portion of a building intended for human occupancy shall exceed three (3) stories and/or thirty-five feet (35') in height.

(6) Off-street parking. As regulated in §§ 14-404, 14-405, and the landscape ordinance. (Ord. #723, Aug. 2000, modified, as replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-315. M-2 Heavy industrial district**. This district is established to provide for a wide variety of general manufacturing, fabricating, processing, distributing, and warehousing uses. Such industrial uses may result in some moderate external effects such as smoke, noise, glare, vibration, or particulate that is perceptible to adjacent land users. Land zoned for such purposes shall be free of environmental limitations, such as floodplains, steep slopes, sinkholes, and wetlands. Within the M-2 Heavy industrial district, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) Permitted uses.

(a) Those uses permitted and as regulated in the M-1 General industrial district.

(b) Recycling processing centers for construction, demolition, or other materials to be recycled and used in new products, provided the following conditions are met:

(i) All processing such as compacting, shredding, or bailing shall be within an enclosed building;

(ii) All salvaging of parts or dismantling shall be within an enclosed building; and

(iii) All outdoor storage shall be screened from public rights-of-way.

(c) The manufacturing from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products and incidental storage, sales, and distribution of such products.

(2) Uses permitted on review. The following uses may be permitted on review by the board of zoning appeals in accordance with § 14-604. The board of zoning appeals may impose additional access, drainage, site design, and other requirements as they relate to the health, safety, and welfare of the general public and surrounding properties.

(a) Automobile wrecking, junk, and salvage yards, provided the conditions in § 14-411 are met.

(b) Adult oriented establishments, provided the conditions in § 14-418 are met.

(3) Performance standards. All uses must comply with the performance standards established in this section unless a federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

(a) Noise. No equipment, machinery, processes, or heating/air condition systems shall generate excessive noise levels that can be heard on nearby properties during the hours of 9:00 P.M. to 7:00 A.M.

(b) Glare and heat. No heat from the activity or operation shall be detectable at any point off the lot on which the use is located. Flickering or intense sources of light shall be controlled or shielded so as to not cause a nuisance across lot lines.

(c) Vibration. Earthborn vibration from the operation of any use should be minimized so as to reduce detectability off the lot on which the use is located.

(d) Dust and air pollution. Dust, noxious smells, and other types of air pollution, borne by the wind from sources within lot boundaries, shall be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

(e) Storage and use. The use and storage of caustic chemicals is prohibited. The storage of flammable chemicals is prohibited.

(f) Discharge and disposal of radioactive and hazardous waste. The discharge of fluid and the disposal of solid radioactive and hazardous waste material must comply with applicable federal, state, and local laws, and regulations governing such material or waste. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

(g) Electromagnetic interference. Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

(h) Odors. The production of noxious odors is prohibited. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove the odor.

(i) Fire and explosion hazards. Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

(4) Area regulations. Buildings and other structures, except fences and signs, shall be located so as to comply with the following requirements.

(a) Land area. The minimum lot area shall be five (5) acres.

(b) Front yard. The minimum depth of the front yard shall be fifty feet (50').

(c) Side yard. The minimum depth of the side yard shall be thirty feet (30'). When the side yard abuts a railroad or a rail spur line, there shall be no setback.

(d) Rear yard. The minimum depth of the rear yard shall be thirty feet (30'). When the rear yard abuts a railroad or a rail spur line, there shall be no setback.

(e) Buffer strips. Buffer strips shall be provided per the landscape ordinance.

(f) General lot restrictions. More than one (1) principal building may be permitted on a single lot provided that all applicable building setbacks and parking requirements are met.

(5) Access. No industrial use shall access a residential street.

(6) Height regulations. No portion of a building intended for human occupancy shall exceed three (3) stories and/or thirty-five feet (35') in height.

(7) Off-street parking. As regulated in §§ 14-404, 14-405, and the landscape ordinance. (as added by Ord. #772, Oct. 2004, and replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-316. TND - Traditional neighborhood development district.**

This district is established to foster the development of comprehensively planned, pedestrian-oriented neighborhoods. This is to be accomplished by promoting a variety of land uses, housing types, and density by requiring skillful architectural and landscape design in creating buildings and open spaces. This district is also created to avoid the negative impact of suburban sprawl by minimizing infrastructure costs, traffic congestion, and environmental degradation. Within the TND Traditional neighborhood development district, as shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) General description. The design of the neighborhood should reflect the principles of noteworthy city development found in the United States prior to the 1940's, including:

(a) Architectural harmony, including compatibility in styles, materials, colors, and building size and setbacks;

(b) Variety in housing types, density, and cost;

(c) Parks, squares, and other common open spaces for residents to interact and recreate, and to provide a setting for the architecture of the development;

(d) Neighborhood centers and civic spaces, which, depending on the scale of the development, can include places to shop, work, learn, or worship;

(e) An interconnected street system which:

(i) On generally level terrain (slopes less than ten percent (10%); ten-foot (10') rise in one hundred feet (100') vertical distance) is based on a modified grid system.

(ii) On rolling to moderately slope terrain (ten percent (10%) to twenty-five percent (25%) slope) is composed of interconnecting, curvilinear streets, designed to conform to the topography.

(f) Sidewalks, street trees, and substantial on-street parking, providing distinct separation between pedestrians and traffic;

(g) Streets and sidewalks that are spatially defined by buildings in a regular pattern, unbroken by parking lots;

(h) Traffic calming, including more narrow streets with shorter turning radii than suburban streets, and medians, circles and related features along prominent streets;

(i) Lighting which is designed for safe walking and signage which has a pedestrian-orientation; and

(j) A system of land subdivision and development which links one (1) neighborhood to another can logically be extended.

(2) Permitted uses. The following uses, buildings and structures are permitted:

(a) Single-family dwellings.

(b) Townhouses.

(c) Two-family dwellings.

(d) Multiple-family dwellings.

(e) Open space, including parks, squares, greens and other recreational uses (as provided for in the following section).

(f) Commercial and office uses (as provided for in the following sections).

(g) Civic and religious buildings (as provided for in the following sections).

(h) Accessory uses, subject to the provisions of § 14-402.

(i) Assisted living facilities and nursing homes. For the purposes of this section, these uses shall comply with commercial, office, and multi-family area regulations.

(j) Customary home occupations, provided the conditions in § 14-403 are met.

(3) Guidelines for permitted uses:

(a) Commercial and office uses:

(i) Property and buildings in the district shall be used for the following purposes: grocery stores, bakeries, arts and crafts, book and stationary stores, drug stores, barber/beauty shops, cleaning and processing collection stations, gift shops, self-service laundries, shoe shops (including repairs), similar uses which the

planning commission finds to be appropriate, and business and professional offices.

(ii) The ground floor shall have door(s) and windows, covering at least fifty percent (50%) of the front facade.

(iii) The total ground floor area of the commercial and office uses, including off-street parking areas, shall not exceed ten percent (10%) of the district, unless the planning commission finds that a larger commercial area would meet the grocery and other day-today shopping needs of an area which is underserved by a neighborhood shopping center.

(iv) Commercial and office development shall have an architectural design which is compatible with the design of residential buildings. The design of commercial and office buildings shall be included with the development plan (as outlined in subsection (9)).

(v) Parking regulations for commercial and office uses are presented in subsection (6).

(4) Open space, including parks, squares, greens and other recreational uses:

(a) Within a development no less than fifteen percent (15%) of the total land, exclusive of land set aside for roads shall be devoted to common open space for recreation, conservation, and beautification purposes. At least seven and one-half (7-1/2%) of the total land shall be devoted to parks, greens and squares. Yards of residential, commercial, office uses are not to be considered common open space. In cases where a portion of the site is in a floodway or on steep slopes (twenty-five percent (25%) or more), the planning commission may require additional common open space. The planning commission may require less open space in a development which is less than twenty (20) acres if a neighborhood or community park is within one quarter mile of the property. If a golf course or other large open space is to be created as part of the TND development, at least seven and one-half (7-1/2%) of the area outside of such recreational space, shall be devoted to parks, squares or greens.

(b) Common open space may be designed for active recreation, passive recreation, pathways (other than sidewalks), traffic circles, medians, and similar traffic calming features, conservation, or natural buffers.

(c) Provisions shall be made to ensure that no more than 20 percent of the common open space will be devoted to paved areas and structures such as courts, or recreation buildings. Parking lots and on-street parking may be located within or along the side of a street bordering parks, greens and squares upon review and approval by the planning commission.



(d) Use of the common open space shall be subject to use on review by the planning commission.

(e) Land which has been environmentally damaged prior to final approval of the development by the planning commission as a result of soil removal, tree clearing or similar degradation shall not be accepted as common space unless and until the land is restored to a condition which the planning commission determines to be reasonable and appropriate to effect the purpose of this article. The planning commission may grant final approval for a development subject to such restoration of the common open space provided an appropriate performance bond is posted.

(f) Open space shall be protected against building development and environmental damage by conveying to the city, homeowners' association and/or a land trust, an open space easement restricting the area in perpetuity against any future building, and against the removal of soil, trees and other natural features, except as the planning commission determines is consistent with conservation or recreational purposes.

(5) Civic and religious uses:

(a) Uses can include primary and intermediate schools, libraries, post offices, museums, auditoriums, recreation centers, satellite town halls, fire and police stations, day care facilities, or similar uses which the planning commission finds to be appropriate, and buildings for religious assembly.

(b) Buildings shall be designed to complement the architecture of their surroundings.

(c) Civic and religious buildings should be located at prominent locations, or serve as landmarks in the neighborhood, particularly at such focal points as the end of a street axis.

(d) The height of civic and religious buildings, excluding towers, steeples, or similar features, shall not exceed 45 feet.

(e) All civic and religious uses are subject to review and approval by the planning commission.

(f) Parking regulations for civic and religious buildings are presented in section (8).

(6) Area regulations:

(a) Minimum size: Property proposed for the TND district shall be a minimum of 20 acres or more, with the exception for areas of less than 20 acres which are adjacent to and can be interconnected to an existing TND district upon approval by the planning commission.

(b) The following table lists the site development regulations:

<u>REGULATIONS</u>	<u>SINGLE-FAMILY</u>	<u>TWO-FAMILY</u>	<u>TOWNHOUSE</u>	<u>COMMERCIAL OFFICE, MULTI- FAMILY</u>
Minimum Lot Size	5,000 sq. ft., or 5,500 sq. ft. on corner lot	7,000 sq. ft.	2,000 sq. ft., or 2,500 sq. ft. on corner lot	3,500 sq. ft., or 4,000 sq. ft. on corner lot
Maximum Lot Size	None	None	4,000 sq. ft.	43,560 sq. ft.
Minimum Lot Width	40', or 45' on corner lot; 50' if driveway is provided from front of property	50'	20', or 25' on corner lot	25'
Maximum Height	2-1/2 stories/35'	2-1/2 stories/35'	2-1/2 stories/35'	3-1/2 stories/45'
Maximum Front Yard Setback	25'	25'	10'	10'
Minimum Front Yard Setback	15'	20'	5'	0'
Minimum Street Side Yard Setback	10'	10'	5'	5'
Minimum Interior Side Yard Setback	5'	5'	0'	0'
Minimum Rear Yard Setbacks: Main Building/Accessory Buildings	10'/10'	10'/10'	25'/5'	0', if adjoining other commercial; 10' if adjoining other use
Maximum Building Coverage/Maximum Impervious Coverage	55%/65%	55%-65%	70%-90%	70%-90%

(c) **Driveways:** Driveways shall be setback five feet (5') from all side or rear property lines. A driveway may be constructed closer to a side or rear property line if a drainage plan is submitted which shows accommodation for stormwater runoff. At a minimum, when a driveway is constructed closer than five feet (5') from a side or rear property line, drainage swales shall be constructed to divert water away from adjacent properties.

(7) Housing density, composition and location:

(a) The overall housing density of all principal residential units shall not exceed 8 units per acre, based upon the land suitable for development, that is, land outside of floodplains and not on steep slopes (areas exceeding 25 percent slope). The planning commission may require fewer overall residential units per acre, based on the surrounding patterns of development, adopted plans, traffic and environmental constraints, and related factors.

(b) Composition and location of housing:

(i) Detached single-family houses shall comprise at least 50 percent of the total number of residential units;

(ii) Two-family units, townhouses, and multi-family units shall comprise less than 50 percent of the units.

(iii) The location of the various types of units shall be depicted on the development plan submitted under section (9).

(8) Parking regulations:

(a) Residential parking:

(i) Single-family detached units require two off-street parking spaces per unit.

(ii) Townhouse and two-family housing requires two off street parking spaces per unit unless the planning commission finds that one of the spaces per unit can be accommodated through on-street parking.

(iii) Off-street parking for townhouses shall be off an alley.

(iv) Garage doors which face the front of the property shall be placed 20 feet beyond the setback of the principle structure. Exception: the planning commission may modify this requirement for no more than 20% of the dwelling units in a development if warranted by topography or other environmental conditions.

(v) The minimum lot width for detached houses with driveways from the front property line shall be 50 feet.

(vi) Multi-family housing requires one parking space for the first bedroom of a dwelling unit and 0.5 parking space for each additional bedroom.

(b) Parking provisions for non-residential uses:

(i) Parking lots shall be located to the rear or side of buildings. Side parking lots shall account for no more than 25 percent of parking, and shall be screened from sidewalks by a combination of low walls or fences and landscaping.

(ii) Parking lots and garages shall not abut a street intersection, the front yards of multi-family, civic or religious buildings, shall not be adjacent to squares or parks, and shall not

occupy space which terminates a T-intersection within the district or similar prominent point.

(iii) In view of the pedestrian-oriented nature of this district, the parking requirements for commercial, office and other non-residential uses shall be 50 percent of the number of spaces required for uses in § 14-404.

(iv) In the case of commercial or office uses which have shop fronts adjacent to sidewalks and streets, on-street parking directly in front of the lot shall count toward fulfilling the parking requirement.

(v) The required number of spaces for commercial and office uses may be further reduced by demonstrating the use of shared parking.

(vi) Parking lot landscaping shall be consistent with the provisions of section (10).

(vii) If the developer desires additional customer parking for non-residential uses, it shall be provided on grassy, pervious surfaces (reinforced/plastic grid, reinforced block or similar material) which are adequate to sustain parked vehicles.

(9) Streets, utilities, alleys and sidewalks:

(a) The street network on the TND shall be connected to the existing streets, unless the planning commission determines that topography, requirements of traffic circulation or other considerations make such connections impractical. When applicable, TND streets should be laid out to allow extensions to future neighborhoods.

(b) Travel lanes of local streets shall be no less than 10 feet wide.

(c) Sidewalks shall be provided along both sides of each street. For pedestrian safety, sidewalks shall be separated at least 7 feet from the curb. To minimize crosswalk distances, a curb return radius of 15 feet shall be used on local streets. In creating a suburban TND, with a density less than 3 dwelling units per acre, sidewalks shall be at least 4 feet wide.

(d) Alleys can provide parking access for residential properties. Alley rights-of-way shall be 20 feet, with at least 10 feet of pavement. Alley pavement shall be built to the local street standard of the subdivision regulations for pavement thickness.

(e) The average perimeter of all blocks within the district shall not exceed 1,200 feet. No block face shall have a length greater than 400 feet without a dedicated alley or pathway providing through access.

(f) Utilities shall be placed underground and or shall run within alley easements.

(g) Street lamps shall be installed on both sides of the street, no less than 100 feet apart.

(h) The axis of the most significant streets shall have appropriate termination with either a public or quasi-public building, park, square or other open space or neighborhood commercial center.

(i) Landscape provisions regarding streets are presented in section (10).

(j) The detailed design of streets and alleys which are to be publicly dedicated shall conform to the current city street regulations as defined in the Sweetwater Subdivision Regulations.

(10) Landscaping regulations:

(a) Native shade trees which grow to a minimum height of forty feet at maturity shall be planted along all streets at a maximum average spacing of 30 feet on center. The trees shall have a minimum caliper of 2 1/2 inches at the time of planting.

(b) Trees shall be arranged and maintained at intersections and alley entrances to provide adequate visibility, avoiding conflicts between vehicles, bicycles, and pedestrians.

(c) For all parking lots with more than six spaces, the landscaped area shall be comprised of a minimum of 20 percent of the total parking lot area. One native shade tree which grows to a minimum height of 40 feet at maturity shall be required for each three hundred square feet of the above required open space. Native shade trees shall have a minimum caliper of 2 1/2 inches at time of planting.

(d) Trees proposed for planting in public rights-of-way shall comply with the Sweetwater Tree Board Ordinance as specified in section 16 chapter 5 of the Sweetwater Municipal Code.

(11) Administrative procedure for TND district:

(a) The planning commission shall review the proposed development and may give approval, request modification, or reject the proposed development in accordance with these regulations.

(b) The applicant is required to submit a concept plan for the proposed overall development, before or at the same time the TND zoning district is being requested.

(c) The applicant is required to follow the same procedure for submission of a preliminary plat and final plat, as well as site plan requirements for any non-residential structure. (as added by Ord. #772, Oct. 2004, and amended by Ord. #955, Jan. 2018, and Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-317. Special flood hazard overlay district.** This district is established as an overlay district with the intent to protect the health, safety, and welfare of the citizens of the City of Sweetwater by requiring that uses permitted in the underlying zoning districts be developed in accordance with the provisions of Title 14, Chapter 7 Floodplain Zoning Ordinance. The special flood hazard overlay district is shown on the "Zoning Map Sweetwater, Tennessee,"

and the provisions of Title 14, Chapter 7 Floodplain Zoning Ordinance shall apply. (as added by Ord. #772, Oct. 2004, and as replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-318. H-1 historic zoning overlay district.** This district is established as an overlay district with the intent to conserve historic properties within the City of Sweetwater by requiring uses permitted in the underlying zoning districts be developed in accordance with the provisions of Title 14, Chapter 9 Historic Districts and Landmarks. This H-1 Historic zoning overlay district is shown on the "Zoning Map Sweetwater, Tennessee," and the provisions of Title 14, Chapter 9 Historic Districts and Landmarks shall apply. (as added by Ord. #814, Dec. 2007, and replaced by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-319. Telecommunication tower zoning overlay district.** This district is established as an overlay district for the purpose of regulating the location of commercial telecommunication towers and related equipment within the City of Sweetwater. The intent is to permit lands that are visually screened from nearby residential development and the historic zoning district to be used for telecommunication towers, while still allowing the uses permitted in the underlying zoning districts. This T telecommunication tower zoning overlay district is shown on the "Zoning Map Sweetwater, Tennessee," the following regulations and other applicable provisions of this zoning code shall apply.

(1) Uses permitted. Property, buildings, and structures located in the telecommunication tower zoning overlay district (T) shall be used for the purposes permitted by the base zone approved for the site. In addition to such uses and structures, the following uses and structures are permitted:

(a) Monopole commercial telecommunication tower(s).

(b) Antennae, equipment shelters, cabinets, fencing, and all other structures accessory to monopole commercial cellular towers.

(2) Minimum development regulations for telecommunication tower(s).

(a) The telecommunication tower zoning overlay district shall only be permitted on publically owned land or land that is commercially or industrially zoned. The overlay district shall not be permitted on any land zoned H-1 Historic zoning overlay district.

(b) Applicants shall provide a notarized determination of need stating that no suitable existing tower(s) within the coverage area are available for a colocation or qualify to meet the needed coverage area. Maps shall also be provided that identify before and after coverage.

(c) Towers shall be constructed to accommodate a minimum of five (5) antennae and must be made available for colocation to more than two (2) commercial communications companies.



(d) Towers shall not be lighted unless required by the Federal Aviation Administration (F.A.A.). Documentation from the F.A.A. which requires lighting shall be submitted with the site plan application.

(e) The base of towers, to include all accessory ground equipment and structures, shall be screened from public view. These improvements shall be securely fenced within a perimeter of no less than six feet (6') in height and have a screening opacity of eighty percent (80%) or greater when viewed horizontally from grade level to the top of the screen. The perimeter fencing shall also be buffered by planting at least one (1) healthy row of evergreen trees or shrubs capable of forming a continuous hedge. Such plants may be used to support the required fencing opacity. Said trees or shrubs shall be capable of growing to at least six feet (6') in height within two (2) years of planting and shall be maintained in a healthy condition. Existing vegetation, earth terms, existing topographic features, walls, fences, buildings, and other similar features may be used to meet the screening requirements if they achieve the same degree of screening.

(f) The tower and accessory structures may be the sole use or a secondary use to the uses and structures permitted within the base zone.

(g) All telecommunication towers and related equipment shall be removed when the facility has not been in service for more than six (6) months.

(3) Lot and area regulations. (a) Towers shall be set back from all property lines by a minimum distance equal to its engineered fall zone or the minimum setbacks of the base zoning district, whichever is greater. Accessory ground equipment and structures shall be set back per the minimum setback requirements within the base zoning district.

(b) Towers shall not exceed two hundred feet (200') in height and shall comply with all F.A.A. regulations and building codes. The overall height of the tower shall be measured from the surrounding grade to the top of the structure, including the base pad and any antenna or lightning rod. Accessory ground equipment and structures shall be limited to the height requirements within the base zoning district.

(c) All uses permitted in the base zoning district shall comply with the minimum requirements of the base zoning district. (as added by Ord. #922, May 2015, and amended by Ord. #984, Dec. 2020 *Ch7\_02-07-22*)

**14-320. R-4 High density residential district.** This district is established to provide for higher density residential options in order to provide for mixed residential, and mixed-use development located adjacent to arterials and/or collector roads that shall be served by public utility water, sewer, sidewalks/walkways and bikeways, located near areas of intense activity and

necessary community facilities, open space and recreational space as shown on the "Zoning Map Sweetwater, Tennessee." The following regulations and other applicable provisions of this zoning code shall apply.

- (1) Uses permitted.
  - (a) Single-family, duplexes and multi-family dwellings.
  - (b) Customary home occupations, provided the conditions in § 14-403 are met.
  - (c) Public utilities, but not including offices, other buildings, storage areas, or warehousing.
  - (d) Public parks.
  - (e) Educational facilities providing education for grades K-12 and public libraries, provided buildings are set back a minimum of fifty feet (50') from all property lines and parking lots are set back a minimum of ten feet (10') from all property lines.
  - (f) Churches and other places of worship, provided buildings are set back a minimum of fifty feet (50') from all property lines and parking lots are set back a minimum of ten feet (10') from all property lines.
  - (g) Short-term rental units, provided an annual permit is obtained from the City of Sweetwater.
  - (h) Horticulture, including forestry.
  - (i) Day care centers, provided the conditions in § 14-414 are met and that such facilities comply with the following requirements:
    - (i) The property shall front on and have direct access to a street that has a paved surface that is a minimum of twenty feet (20') in width with a minimum of two-foot (2') wide paved or gravel shoulders;
    - (ii) All buildings shall be set back a minimum of twenty feet (20') from all side and rear property lines;
    - (iii) All parking lots and driveways shall be set back a minimum of ten feet (10') from all property lines; and
    - (iv) A fenced outdoor usable play space area of not less than fifty (50) square feet of space per child shall be provided. Such fenced area shall be set back a minimum of thirty feet (30') from all front property lines and ten feet (10') from all side and rear property lines.
  - (j) Accessory uses, provided the conditions in § 14-402 are met.
- (2) Area regulations. The principal building shall be located so as to comply with the following requirements:
  - (a) Minimum lot area for single-family dwelling unit served by public water and sewer systems: six thousand (6,000) square feet. Minimum additional lot area for accessory apartment: four thousand five hundred (4,500) square feet

(b) Minimum lot area per dwelling unit for two (2) unit structures and multi-family structures or any combination thereof which shall be served by public water and sewer systems:

- 5,000 square feet            first family
- 5,000 square feet            second family
- 2,500 square feet            each additional family over two.

(c) Minimum lot width at building setback line: fifty feet (50').

(d) Minimum depth of front yards: twenty-five feet (25').

(e) Minimum depth of rear yards: fifteen feet (15').

(f) Minimum depth of side yards:

1-story.....5 feet each side

2-story.....7.5 feet each side

3-story..... 15 feet each side

(g) Location of accessory buildings: No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five feet (5') from all lot lines and from any other buildings on the same lot.

(h) Maximum lot coverage: Principal and accessory buildings shall cover not more than sixty percent (60%) of the total lot area.

(3) Site development standards for required yards. The required yards of all uses shall be made fertile, planted with grass, shrubs, and/or trees and maintained in good order. (as added by Ord. #984, Dec. 2020 **Ch7\_02-07-22**)

## CHAPTER 4

### SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS

#### SECTION

- 14-401. Access control.
- 14-402. Accessory uses regulations.
- 14-403. Customary home occupations.
- 14-404. Off-street parking requirements.
- 14-405. Off-street loading and unloading space required.
- 14-406. General lot restrictions.
- 14-407. Vision at street intersections.
- 14-408. Gasoline service station restrictions.
- 14-409. Signs, billboards, and other advertising structures.
- 14-410. Mobile homes and mobile home parks.
- 14-411. Standards for automobile wrecking, junk, and salvage yards.
- 14-412. Standards for cemeteries.
- 14-413. Site plan requirements.
- 14-414. Standards for day care centers.
- 14-415. Planned unit development.
- 14-416. Special exception criteria for signs.
- 14-417. Fireworks storage.
- 14-418. Standards for adult oriented establishments.

**14-401. Access control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

(1) A point of access for vehicles onto a street shall not exceed forty (40) feet in width.

(2) There shall be no more than two (2) points of access to any one (1) public street for each four hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than eighty (80) feet in width shall have no more than one (1) point of access to anyone (1) public street.

(3) Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.

(4) No point of access shall be allowed within ten (10) feet of the right-of-way line of any public intersection.

(5) No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department, or if a state highway, a permit must be obtained from the Tennessee Department of Highways.

(6) Cases requiring variances relative to the above provisions shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted

where the arrangement would require that vehicles back directly into a public street. (1982 Code, § 11-401, as amended by Ord. #604, Sept. 1987)

**14-402. Accessory uses regulations.** The uses of land, buildings, and other structures permitted in each of the districts established by chapters 2 through 6 of this title are designated by listing the principal uses. In addition to such principal uses, accessory uses permitted in each district. Each accessory use shall:

- (1) Be customarily incidental to the principal use established on the same lot.
- (2) Be subordinate to and serve such principal use.
- (3) Be subordinate in area, intent, and purpose to such principal use.
- (4) Contribute to the comfort, convenience, or necessity of users principal use.
- (5) Be at least twenty (20) feet from other buildings.
- (6) Shall meet the same setback requirements of the district.
- (7) Fences shall be considered accessory uses and shall have no setback requirements if under ten (10) feet in height. Any fence above ten (10) feet in height shall comply with the setback requirements of the district plus ten (10) additional feet.
- (8) Garbage dumpsters, compactors, and recycling containers shall be considered accessory uses to commercial, office, industrial, multi-family, public, and semi-public uses. These containers shall be screened from adjacent properties and streets with opaque walls and gates. Such enclosures shall be constructed of wood, concrete block, or brick. Containers and enclosures shall be set back a minimum of ten feet (10') from side and rear property lines. Containers and enclosures shall also meet the front yard setback requirements of the zoning district in which it is located and shall be located to the side or rear of the principal building. No such containers shall be located in front of the principal building. (1982 Code, § 11-402, modified, as amended by Ord. #937, Jan. 2016)

**14-403. Customary home occupations.** The home occupation is intended to permit home based employment and entrepreneurship opportunities which do not alter or impact the residential character of the district. The home occupation is intended to be flexible, granting the resident(s) the opportunity to conduct a business or service on the property, provided such activity does not infringe upon individual rights of neighbors or property values within the area. Changing technologies and economic/social trends make identification of all conceivable occupations impractical. The primary use of the property shall be residential. The following conditions shall apply to all home occupations:

- (1) No person other than household members residing on the premises shall be engaged in such home occupation.

(2) If conducting a home occupation, a business license and a home occupation permit shall be obtained from the City of Sweetwater.

(3) Space devoted to home occupations shall not exceed twenty percent (20%) or a maximum of six hundred (600) square feet of the dwelling unit, whichever is less.

(4) No alteration to any building shall indicate from the exterior that the building is being used for other than residential purposes.

(5) No articles, materials, goods, or equipment indicative of the home occupation shall be visible from any public street or adjacent properties.

(6) Outdoor storage is prohibited,

(7) No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Off-street parking shall be provided.

(8) The use shall not increase noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.

(9) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes electrical fluctuations in the line voltage off the premises.

(10) The home occupation shall not increase the type or volume of solid waste for at-curb disposal beyond that which is otherwise typical for a residence. (1982 Code, § 11-403, as amended by Ord. #576, Sept. 1985, and replaced by Ord. #985, Dec. 2020 *Ch7\_02-07-22*)

**14-404. Off-street parking requirements.** (1) Number of parking spaces required. In all districts, except the C-2 Central Business District, there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, the off-street parking requirements shall be determined by the board of zoning appeals.

(a) Automobile/truck repair shop. One (1) space per two-hundred and fifty (250) square feet of gross floor area.

(b) Boarding and rooming houses. One (1) space per each one (1) room occupied by boarders or roomers.

(c) Churches. One (1) space per five (5) seats.

(d) Commercial/general retail/shopping centers/multiple use buildings. Within the C-3 General Commercial District and the C-5 Interstate/Interchange District, one (1) space per two-hundred and fifty (250) square feet of gross floor area. Within the C-4 Local General Commercial District, one (1) space per five hundred (500) square feet of gross floor area.

(e) Dwellings, single and two-family. Two (2) spaces per dwelling unit.

(f) Dwellings, multi-family. One and one-half (1 1/2) spaces per dwelling unit.

(g) Funeral home/mortuaries. One (1) space per five (5) seats.

(h) Gasoline/mini-mart station. One (1) space per two-hundred and fifty (250) square feet of gross floor area.

(i) Handicapped/accessible parking spaces. The number of handicapped/accessible parking spaces shall be provided as per ANSI A117.1, Standards for Accessible and Usable Buildings and Facilities [American National Standards Institute].

(j) Hospitals/convalescent homes/nursing homes. One (1) space per three(3) patient beds and one (1) space for each two (2) employees including staff doctors and nurses.

(k) Hotels/motels/tourist courts. One (1) space per one (1) room or suite.

(l) Manufacturing or other industrial use. One (1) space for each three (3) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces.

(m) Offices - business, dental, general, government, medical, professional. Within the P-1 Professional and Civic District, the C-3 General Commercial District, and the C-5 Interstate/Interchange District, one (1) space per two-hundred and fifty (250) square feet of gross floor area. Within the C-4 Local General Commercial district, one (1) space per five hundred (500) square feet of gross floor area.

(n) Private clubs or lodges. One (1) space per seventy (70) square feet of gross floor area.

(o) Restaurants. One (1) space per one-hundred and fifty (150) square feet of gross floor area.

(2) Minimum parking lot site design. To provide for orderly, safe, and systematic circulation within parking areas, off-street parking lots shall meet the following general requirements:

(a) Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

(b) Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be of a sealed-surface construction, such as plant mix asphalt or concrete and shall be maintained in such a manner that no dust will result from continuous use.

(c) All parking lots shall be designed so as to eliminate surface water ponding and shall be drained without contributing to drainage problems on adjoining property.

(d) Entrances and exits to sill off-street parking lots shall comply with the requirements of § 14-401 of this code.

(e) Parking spaces. Each parking space shall be a minimum of ten feet (10') in width and nineteen feet (19') in length.

Each handicapped/accessible parking space shall be a minimum of eight feet (8') in width and nineteen feet (19') in length. Such spaces shall have an adjacent access aisle, which shall be a minimum of five feet (5') in width and extend the full length of the parking spaces they serve. For every six (6) handicapped/accessible parking spaces, at least one (1) shall be a van-accessible parking space. Such van-accessible parking space shall have an adjacent access aisle of eight feet (8') in width.

Handicapped/accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance(s).

(f) Minimum width of aisle and back-up areas. Minimum width of parking lot aisles shall be as follows:

- (i) Ninety (90) degree parking - twenty five feet (25')
- (ii) Sixty (60) degree parking - eighteen feet (18') (twenty-five feet (25') for two-way aisle)
- (iii) Forty-five (45) degree parking - thirteen feet (13') feet (twenty-five feet (25') feet for two-way aisle)
- (iv) Thirty (30) degree parking - twelve feet (12') (twenty-five feet (25') for two-way aisle)

Back-up or turn-around areas located at the end of dead-end parking aisles shall be a minimum of ten feet (10') in length.

(g) The storage lane for a drive-thru window shall be of adequate length to accommodate the storage of a minimum of eight (8) cars from the ordering station, or per a traffic impact study.

(h) Parking lots shall be set back a minimum of eight feet (8') from all front property lines and five feet (5') from all side and rear property lines. Such areas shall be retained as permanent green space. A front property line shall be defined as any property line adjacent to any street.

(i) A landscape island a minimum of ten feet (10') in width, extending the full length of the parking space(s), shall be provided every fifteen (15) parking spaces in a row in all parking lots, except parking lots for visitors, staff and other employees located within the M-1 Industrial Zoning District and the M-2 Heavy Industrial District (but not areas used by and for tractor-trailer and delivery truck parking and turnaround space), in which landscape islands with a tree a minimum of ten feet (10') in width shall be provided at both ends of each row of parking spaces and distributed in each row so that no tree is further than one hundred fifty feet (150') from another tree in the parking lot. When the parking lot consists of more than one (1) row of parking spaces, tree spacing should alternate from row to row.



(j) In all parking lots except those located within the M-1 Industrial Zoning District and the M-2 Heavy Industrial District, a landscape island a minimum of ten feet (10') in width shall be provided every fifteen (15) parking spaces in row. Such islands shall extend the full length of the parking space(s).

(k) In all parking lots except those located within the M-1 Industrial Zoning District and the M-2 Heavy Industrial District, a landscaped strip a minimum of ten feet (10') in width shall be provided every third parking aisle. Such landscaped strips shall be located in the front of the parking spaces, shall run the full length of the parking row, and shall connect to the landscape islands located at the end of each parking row, and if applicable, to the landscape islands in the middle of the parking row.

(3) Combination of required parking spaces. The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use, except that the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

(4) Remote parking spaces. If the off-street parking space cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred feet (400') of the main entrance to such principal use, provided such land is in the same ownership as the principal use.

Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of the zoning code, has been made for the principal use.

(5) Certification of minimum parking requirements. Each application for a building permit for single and two-family dwelling shall include information as to the location and dimensions of off-street parking. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met. (1982 Code, § 11-404, as amended by Ord. #701, Jan. 1998, as replaced by Ord. #936, Jan. 2016, and amended by Ord. #1036, May 2024 **Ch8\_08-05-24**)

**14-405. Off-street loading and unloading space required.** Every building or structure hereafter constructed and used for industry, business, or trade shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley or if there is no alley, to a public street. This space shall not be considered as part of the space requirements for off-street automobile storage.

(1) Behind or on the side of every building or structure used for business or trade, there shall be a rear or side yard not less than thirty (30) feet in depth or width where loading and unloading of vehicles is to be provided.

(2) The board of zoning appeals may hereafter reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration. (1982 Code, § 11-405)

**14-406. General lot restrictions.** (1) Only one (1) principal building and its customary accessory buildings may be erected on any lot, except as provided for elsewhere in this chapter.

(2) No building permit for the construction of any structure shall be issued by the building official for any lot not abutting a street accepted as a public street by the City of Sweetwater. (1982 Code, § 12-303, modified, as replaced by Ord. #985, Dec. 2020 *Ch7\_02-07-22*)

**14-407. Vision at street intersections.** On a corner lot not in the central business district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between their height of three and one-half (3) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (1982 Code, § 11-407)

**14-408. Gasoline service station restrictions.** The following regulations shall apply to gasoline service stations:

(1) Gasoline pumps or islands shall be set back a minimum of twenty-five feet (25') on all street rights-of-way and twenty feet (20') from all side and rear property lines.

(2) Gasoline canopies designed to cover the gasoline pumps shall meet the side and rear yard setback requirements of the zoning district in which it is located, but may be located as close as twenty feet (20') from all street rights-of-way.

(3) With the exception of gasoline canopies, gasoline pumps or islands shall be set back a minimum of thirty feet (30') from all buildings. (1982 Code, § 11-408, as replaced by Ord. #985, Dec. 2020 *Ch7\_02-07-22*)

**14-409. Signs, billboards, and other advertising structures.** These conditions are established as a reasonable and impartial method of regulating advertising structures in order to ensure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are:

(1) Definitions. (a) "Animated or moving sign." Any sign or part of a sign that changes physical position or light intensity by any movement or rotation, or that gives the visual impression of such movement or rotation.

(b) "Billboard." A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises of which the sign is located. It is intended for periodic message rotation and is often sold or leased as advertising space.

(c) "Campaign sign." See "Political sign."

(d) "Canopy sign." A sign that is part of or attached to an awning, canopy, etc., or structural protective cover over a door, window, or outdoor service area.

(e) "Changeable electronic message/changeable copy sign." An electrically activated changeable sign upon which the message changes more than two (2) times in a twenty-four (24) hour period, and except when the message is changed, the message shall remain stationary. For the purposes of this section, any wall sign, ground sign, or pole sign can be a changeable electronic message/changeable copy sign.

(f) "Digital sign." A sign that is digital in nature and uses exclusively liquid-crystal display (LCD), light-emitting diode (LED), or similar electronic technology for providing content to the sign or billboard.

(g) "Directional sign." A government owned sign that is located on public property as approved by the board of commissioners, which provides direction to a definable area, business area, or community.

(h) "Electronic message center." An electronic message center (EMC) is a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

(i) "Ground sign and pole sign." Any sign erected on a free-standing frame, pole(s), or post(s) and not attached to any building.

(j) "Mural." A work of art that is historic, community, or site based affixed to or painted on a building wall.

(k) "Nit." A unit of measurement of luminance, or the intensity of visible light, where one (1) nit is equal to one (1) candela per square meter. Nits are used to describe the brightness of computer displays, such as LCD screens.

(l) "One-time event sign." A temporary sign which notifies or advertises an event, such as an election, property sale, merchandise sale, revival, grand opening, yard sale, or other similar short-term, temporary events.

(m) "Pole sign." See "Ground sign and pole sign."

(n) "Political sign." A one-time event sign announcing or supporting political candidates, issues, or subject in connection with any national, state, or local election.

(o) "Projecting sign." A sign attached perpendicular to a building or the wall of a structure and overhanging a sidewalk.

(p) "Sign." Any object, device, display, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

(q) "Sign administrator." The city building official or his/her designated agent.

(r) "Sign area." The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

(s) "Sign face." The area or display surface used for the message.

(t) "Temporary sign." A one-time event sign designed and intended to be displayed for a short period of time.

(u) "Wall sign." Any sign that is attached to, painted on, or in some other way uses a wall of a building in such a manner that the wall becomes the supporting structure for the sign. No such sign shall extend above the top edge of a building wall or project more than twelve inches (12") from the wall of the building.

(2) General provisions. All signs and billboards erected, replaced, reconstructed, expanded, or relocated on any property within the city shall conform with the provisions of this section.

(a) All signs erected, constructed, or placed in any district shall conform to the adopted building codes and if serviced by electrical power, shall conform to the National Electrical Code. Electrical materials and devices used on such signs shall bear the U.L. Label.

(b) No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.

(c) With the exception of one-time event signs, all signs shall obtain a sign permit from the City of Sweetwater.

(d) With the exception of billboards, no off-premises signs are permitted.

(e) The sign area for all wall and canopy signs shall be measured by drawing an imaginary single, regular geometric shape of a rectangle, circle, or equilateral triangle around the sign. The text and other associated graphics do not have to be physically connected.

(f) The sign area for all pole, ground, projecting, and One-Time Event signs shall be the entire face of the sign, including the advertising surface and any framing, trim, or molding but not including the supporting structures. The area of each sign face shall be counted toward

the total allowed sign area. For example, on a two (2) sided sign, both sides shall be counted toward the total allowed sign area.

(g) All signs shall be set back a minimum of five feet (5') from all property lines. Signs shall be placed so as not to restrict sight distance for entering, exiting, or passing vehicles.

(h) Wall, canopy, and projecting signs shall only be permitted on walls facing a public street and/or an on-site parking lot.

(i) Unless provided for elsewhere in this section, animated or moving signs, digital signs, scrolling reader boards, electronic message center signs, and flashing or intermittent illumination of signs are prohibited.

(j) Unless provided for elsewhere in this section, animated or moving signs, digital signs, scrolling reader boards, electronic message center signs, and flashing or intermittent illumination of signs are prohibited.

(k) Unless provided for elsewhere in this section, if a sign is illuminated, it shall be internally illuminated.

(l) When an entity is no longer in operation, the associated sign(s) shall be removed.

(m) Projecting signs erected and overhanging any sidewalk shall be placed at least seven feet, six inches (7'6") above the sidewalk. Such sign may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten feet (10').

(n) No sign shall be erected or otherwise affixed to any pole, tree, stone, fence, or any other object within the right-of-way of any street. No sign shall be suspended across public streets or any other public places.

(3) General agricultural district. In addition to meeting the general provisions of this section, all signs within the A-1 General agricultural district shall conform with the following provisions.

(a) Any activity lawfully conducted on the premises shall be permitted one (1) non-illuminated sign up to two (2) square feet in area.

(b) Uses permitted on review shall be permitted one (1) ground or pole sign up to sixty-four (64) square feet in area with a maximum of thirty-two (32) square feet per sign face and shall not exceed ten feet (10') in height.

(c) Uses permitted on review shall be permitted any number of wall signs. The total square footage allowed for all the wall signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such wall signs shall be one-half (1/2) square feet of sign area per each linear foot of building wall on which the sign(s) is/are mounted.

(4) Residential districts. In addition to meeting the general provisions of this section, all signs within the R-1 Low density residential district, the R-2

High density residential district, the R-3 High density downtown residential district, and the TND Traditional neighborhood development district shall conform with the following provisions.

(a) Any activity lawfully conducted on the premises shall be permitted one (1) non-illuminated sign up to two (2) square feet in area.

(b) Uses permitted on review shall be permitted one (1) ground or pole sign up to sixty-four (64) square feet in area with a maximum of thirty-two (32) square feet per sign face and shall not exceed ten feet (10') in height.

(c) Uses permitted on review shall be permitted any number of wall signs. The total square footage allowed for all the wall signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such wall signs shall be one-half (1/2) square feet of sign area per each linear foot of building wall on which the sign(s) is/are mounted.

(d) Residential neighborhoods shall be permitted one (1) non-illuminated ground or pole sign per neighborhood entrance. Such sign may be up to fifty (50) square feet in area with a maximum of twenty-five (25) square feet per sign face and shall not exceed eight feet (8') in height.

(e) If a parcel/lot is also located within the designated Sweetwater Historic District, the advertising standards and guidelines adopted by the historic zoning commission shall also apply.

(5) Professional and civic district. In addition to meeting the general provisions of this section, all signs within the P-1 Professional and civic district shall conform with the following provisions.

(a) The same regulations apply to residential uses in the P-1 Professional and civic district as applied in the residential districts as outlined above.

(b) Freestanding entities shall be permitted one (1) ground or pole sign. Such sign may be up to fifty (50) square feet in area with a maximum of twenty-five (25) square feet per sign face and shall not exceed eight feet (8') in height.

(c) Multiple use buildings shall be permitted one (1) ground or pole sign. Such sign may be up to fifty (50) square feet in area with a maximum of twenty-five (25) square feet per sign face and shall not exceed eight (8') in height.

(d) Freestanding entities shall be permitted any number of wall signs and canopy signs. The total square footage allowed for all the signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall on which the sign(s) is/are mounted.

(e) Tenants within a multiple use building shall be permitted any number of wall signs, canopy signs, and projecting signs. The total square footage allowed for all the signs combined shall be based on the length of the building wall of the tenant space. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall of tenant space upon which the sign(s) is/are mounted.

(f) If a parcel/lot is also located within the designated Sweetwater Historic District, the advertising standards and guidelines adopted by the historic zoning commission shall also apply.

(g) Electronic message center (EMC) signs are permitted provided the following conditions are met:

(i) Such signs are located a minimum of three hundred feet (300') from all agricultural, residential, and traditional neighborhood development districts;

(ii) Such signs shall hold a static message for a minimum of sixty (60) seconds; and

(iii) The lighting of such signs shall not exceed three thousand (3,000) nits during daylight hours (sunrise to sunset) and one thousand (1,000) nits during dark hours (sunset to sunrise).

(6) Central business district. In addition to meeting the general provisions of the section, all signs within the C-2 Central business district shall conform with the following provisions.

(a) Freestanding entities shall be permitted any number of wall signs, canopy signs, or projecting signs. The total square footage allowed for all the signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall on which the sign(s) is/are mounted.

(b) Tenants within a multiple use building shall be permitted any number of wall signs, canopy signs, or projecting signs. The total square footage allowed for all the signs combined shall be based on the length of the building wall of the tenant space. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall of tenant space upon which the sign(s) is/are mounted.

(c) No ground/pole signs are permitted.

(d) Buildings may be permitted a mural as approved by the historic zoning commission.

(e) If a parcel/lot is also located within the designated Sweetwater Historic District, the advertising standards and guidelines adopted by the historic zoning commission shall also apply.

(f) Electronic message center (EMC) signs are permitted provided the following conditions are met:

(i) Such signs are located a minimum of three hundred feet (300') from all agricultural, residential, and traditional neighborhood development districts;

(ii) Such signs shall hold a static message for a minimum of sixty (60) seconds;

(iii) The lighting of such signs shall not exceed three thousand (3,000) nits during daylight hours (sunrise to sunset) and one thousand (1,000) nits during dark hours (sunset to sunrise).

(7) General commercial district. In addition to meeting the general provisions of this section, all signs within the C-3 General commercial district shall conform with the following provisions.

(a) If fronting on Highway 68, freestanding entities shall be permitted one (1) ground or pole sign. Such sign may be up to four hundred (400) square feet in area with a maximum of two hundred (200) square feet per sign face and shall not exceed thirty-two feet (32') in height.

(b) If fronting on Highway 68, multiple use buildings shall be permitted one (1) ground or pole sign. Such sign may be up to four hundred (400) square feet in area with a maximum of two hundred (200) square feet per sign face and shall not exceed thirty-two feet (32') in height.

(c) If not fronting on Highway 68, freestanding entities shall be permitted one (1) ground or pole sign. Such sign may be up to two hundred (200) square feet in area with a maximum of one hundred (100) square feet per sign face and shall not exceed twenty feet (20') in height.

(d) If not fronting on Highway 68, multiple use buildings shall be permitted one (1) ground or pole sign. Such sign may be up to two hundred (200) square feet in area with a maximum of one hundred (100) square feet per sign face and shall not exceed twenty feet (20') in height.

(e) Freestanding entities shall be permitted any number of wall signs and canopy signs. The total square footage allowed for all the signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall on which the sign(s) is/are mounted.

(f) Tenants within a multiple use building shall be permitted any number of wall signs, canopy signs, and projecting signs. The total square footage allowed for all the signs combined shall be based on the length of the building wall of the tenant space. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall of tenant space upon which the sign(s) is/are mounted.

(g) If a parcel/lot is also located within the designated Sweetwater Historic District, the advertising standards and guidelines adopted by the historic zoning commission shall also apply.



(h) If fronting on Highway 68, flashing or intermittent illumination of signs, including scrolling reader boards, are permitted.

(i) If not fronting on Highway 68, flashing or intermittent illumination of signs, including scrolling reader boards, are prohibited.

(j) If fronting on Highway 68, electronic message center (EMC) signs are permitted provided the following conditions are met:

(i) Such signs shall hold a static message for a minimum of sixty (60) seconds;

(ii) The lighting of such signs shall not exceed three thousand (3,000) nits during daylight hours (sunrise to sunset) and one thousand (1,000) nits during dark hours (sunset to sunrise).

(k) If not fronting on Highway 68, electronic message center (EMC) signs are permitted provided the following conditions are met:

(i) Such signs are located a minimum of three hundred feet (300') from all agricultural, residential, and traditional neighborhood development districts;

(ii) Such signs shall hold a static message for a minimum of sixty (60) seconds; and

(iii) The lighting of such signs shall not exceed three thousand (3,000) nits during daylight hours (sunrise to sunset) and one thousand (1,000) nits during dark hours (sunset to sunrise).

(8) Local general commercial district. In addition to meeting the general provisions of this section, all signs within the C-4 Local general commercial district shall conform with the following provisions.

(a) Freestanding entities shall be permitted one (1) ground or pole sign. Such sign may be up to fifty (50) square feet in area with a maximum of twenty-five (25) square feet per sign face and shall not exceed eight feet (8') in height.

(b) Multiple use buildings shall be permitted one (1) ground or pole sign. Such sign may be up to fifty (50) square feet in area with a maximum of twenty-five (25) square feet per sign face and shall not exceed eight feet (8') in height.

(c) Freestanding entities shall be permitted any number of wall signs and canopy signs. The total square footage allowed for all the signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall on which the sign(s) is/are mounted.

(d) Tenants within a multiple use building shall be permitted any number of wall signs, canopy signs, and projecting signs. The total square footage allowed for all the signs combined shall be based on the length of the building wall of the tenant space. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall of tenant space upon which the sign(s) is/are mounted.

(e) If a parcel/lot is also located within the designated Sweetwater Historic District, the advertising standards and guidelines adopted by the historic zoning commission shall also apply.

(9) Interstate/interchange district. In addition to meeting the general provisions of this section, all signs within the C-5 Interstate/interchange district shall conform with the following provisions.

(a) Freestanding entities shall be permitted one (1) ground or pole sign. Such sign may be up to four hundred (400) square feet in area with a maximum of two hundred (200) square feet per sign face and shall not exceed sixty feet (60') in height above adjacent road grade.

(b) Multiple use buildings shall be permitted one (1) ground or pole sign. Such sign may be up to four hundred (400) square feet in area with a maximum of two hundred (200) square feet per sign face and shall not exceed sixty feet (60') in height above adjacent road grade.

(c) Freestanding entities shall be permitted any number of wall signs and canopy signs. The total square footage allowed for all the signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall on which the sign(s) is/are mounted.

(d) Tenants within a multiple use building shall be permitted any number of wall signs, canopy signs, and projecting signs. The total square footage allowed for all the signs combined shall be based on the length of the building wall of the tenant space. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall of tenant space upon which the sign(s) is/are mounted.

(e) Flashing or intermittent illumination of signs, including scrolling reader boards, are permitted.

(f) Electronic message center (EMC) signs are permitted provided the following conditions are met:

(i) Such signs shall hold a static for a minimum of sixty (60) seconds; and

(ii) The lighting of such signs shall not exceed three thousand (3,000) nits during daylight hours (sunrise to sunset) and one thousand (1,000) nits during dark hours (sunset to sunrise).

(10) Industrial zoning districts. In addition to meeting the general provisions of this section, all signs within the M-1 Industrial zoning district and the M-2 Heavy industrial district shall conform with the following provisions.

(a) Entities shall be permitted one (1) ground or pole sign. Such sign may be up to two hundred (200) square feet in area with a maximum of one hundred (100) square feet per sign face and shall not exceed twenty-five feet (25') in height.

(b) Entities shall be permitted one (1) sign per driveway entering the premises. Such sign(s) may be up to four (4) square feet in

area with a maximum of two (2) square feet per sign face and shall not exceed three feet (3') in height.

(c) Buildings shall be permitted any number of wall signs. The total square footage allowed for all the wall signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall on which the sign(s) is/are mounted.

(d) Industrial parks shall be permitted one (1) ground or pole sign per industrial park entrance. Such sign may be up to four hundred (400) square feet in area with a maximum of two hundred (200) square feet per sign face and shall not exceed thirty-two feet (32') in height.

(e) If a parcel/lot is also located within the designated Sweetwater Historic District, the advertising standards and guidelines adopted by the historic zoning commission shall also apply.

(11) One-time event signs. In addition to meeting the general provisions of this section, all one-time event signs shall conform with the following provisions.

(a) One-time event signs are permitted in all zoning districts, on developed land, and on vacant land.

(b) Such signs shall be a maximum of sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face shall not exceed six feet (6') in height, shall be non-illuminated, and shall be affixed to the ground or a building. Within the C-2 Central business district, such signs shall be affixed to a building.

(c) For purposes of this section, political and campaign signs shall be considered one (1) time event signs. Prior to sixty (60) days before the first day early voting begins until the first day after voting ends, no ordinances of the City of Sweetwater shall regulate the shape or quantity of political or campaign posters or signs placed on private property that is located more than one hundred feet (100') from a polling place if the signs or posters are placed on the property by the owner of the property or any lawful resident of a residence on the property, but any political or campaign poster or sign on commercial property may not exceed thirty-two square feet (32 sq. ft.) in size; and any political or campaign poster or sign on residential property may not exceed sixteen square feet (16 sq. ft.) in size.

(d) One-time event signs shall be removed promptly after the completion of the event.

(12) Billboards. In addition to meeting the general provisions of this section, all billboards shall conform with the following provisions.

(a) Billboards existing at the time of the adoption of this section and located within the A-1 Agricultural district, the C-2 Central business district, and the C-3 General commercial district shall be considered permitted and allowed uses. Such billboards shall not be permitted to

increase in size, width, or height, change locations on the premises, or add changing sign faces. Such billboards shall also not be permitted to add flashing or intermittent illumination, including scrolling reader boards. An inventory of these sixteen (16) existing billboards is included in Ordinance Attachments A, B, and C.

(b) Billboards are permitted within the C-5 Interstate/Interchange District. Billboards shall not exceed one thousand two hundred (1,200) square feet with a maximum of six hundred (600) square feet in area per sign face. A billboard shall have a maximum of two (2) parallel sign faces.

(c) Billboards shall not exceed sixty feet (60') in height above adjacent road grade, shall not exceed fifty feet (50') in length, and the bottom of the billboard shall be a minimum of ten feet (10') above the adjacent ground level.

(d) No billboard shall be erected within a five hundred-foot (500') radius, determined by a straight line and not street distance, from any other billboard.

(e) Billboards shall meet the minimum building setbacks of the zoning district.

(f) Flashing or intermittent illumination and changing sign faces of billboards, including scrolling reader boards, are prohibited. Billboards may be internally or externally illuminated, however, such lighting shall not shine or glare directly onto adjacent properties, rights-of-way, access easements, or driveways. For the purposes of this section, "glare" shall be defined as any brightness within the field of vision of such a character as to cause annoyance, discomfort, interference with vision, or loss in visual performance and visibility.

(13) In the historic zoning district, the following regulations shall apply:

(a) Advertising messages serve to promote business and therefore should be compatible with the business type or service being promoted.

(b) Advertising of all kinds should be compatible with the style and historic period of the building, as well as the business.

(c) Signs and other forms of advertising must relate to, rather than obscure, clutter or disrupt historical and architectural design features of the buildings or parts of buildings to which they are attached or applied.

(d) The installation of advertising materials must not physically or irreversibly alter or damage buildings or part of buildings.

(e) Advertising designs and techniques should reflect the rich diversity of style and the continuum of history seen in Sweetwater's street scape. Originality, creativity, and diversification should be encouraged.

(f) While satisfying the legitimate needs of commerce, advertising should not clutter the street scape nor interfere with the views of buildings or other signs.

(g) Portable signs, sample products, and services offered outside a building must not obstruct the safe and orderly passage of pedestrian and vehicular traffic.

(h) All advertising messages and signs must conform to the ordinance comprising this section,<sup>1</sup> of the Sweetwater Municipal Code, unless specified otherwise in the Standards and Guidelines of the Historic Zoning Commission.

(i) Size, placement, and number of signs.

(A) The size and position of each sign must relate well to the size of the building and the scale of its individual features including but not necessarily limited to openings for windows and doors, wall panels, cornices and other ornaments, and columns and other support structures. Even through a proposed sign may be consistent with other size requirements in these guidelines, the commission reserves the right to deny approval of any sign which, in the judgment of a majority of the commissioners in any duly convened meeting, is too large for the particular related building, building feature, or adjacent building.

(B) The size and position of each sign must be appropriate for reasonable legibility (assuming normal visual acuity) relative to the position and/or movement of the intended viewer.

(C) In business zones, building-mounted signs shall not exceed one (1) square foot per lineal foot of store front. Free standing signs shall not exceed twenty-four (24) square feet. Projecting signs shall not project more than four feet zero inches (4'-0") from face of building.

(D) In residential zones, one (1) sign not exceeding eight (8) square feet per face in area shall be permitted for each building in which a business or office is also located. If there is more than one (1) business at any location, the total area per face for all signs or for a composite sign is not to exceed ten (10) square feet.

(E) The lowest part of any projecting or freestanding sign can be no lower than seven feet six inches (7' 6") above a walkway or ten feet zero inches (10'-0") above a driveway or alley. The highest part of any projecting sign

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<sup>1</sup>Ord. #888, Nov. 12, 2012.

can be no higher than the top of the highest opening in the wall on which the sign is to be mounted. The highest part of any sign can be no higher than the top of the highest opening on the ground floor of the related building, but in no case higher than fourteen feet zero inches (14'-0").

(F) A maximum of one (1) sign shall be permitted in each display area, with the exception of a historical detailed painted side wall building sign. In no event will a sign be permitted to cover a total of more than fifty percent (50%) of any one (1) display window, in which case no more than twenty-five percent (25%) of the window can be covered.

(G) A maximum of two (2) signs shall be permitted per primary public entrance. If more than two (2) tenants use the same public entrance, a composite sign shall be permitted for proper listing and identification of the tenants or occupants.

(H) The historic zoning commission reserves the right to limit the total number of signs on any particular building as necessary consistent with the proper presentation of historic and architectural features.

(i) Duplicated signs or signs with duplicated messages shall not be permitted unless needed for specific purposes such as the identification of more than one (1) entrance, display window, or elevation of the same business or building, or to achieve balance on a single building elevation.

(J) Free standing and projecting, or portable signs painted or decorated on two (2) or more sides are not considered duplicates unless two (2) faces are simultaneously visible from any one (1) position of the viewer.

(K) The cluttering of individual signs is to be discouraged. A single contiguous sign containing two (2) or more distinctly different messages shall be considered as two (2) or more signs. The historic zoning commission reserves the right to limit the number of words used in any particular sign.

(L) Portable signs must not obstruct the safe and orderly movement of pedestrian and vehicular traffic. Signs may be brought out at opening of business and must be taken in at close of business.

(M) Obsolete signs shall be removed as soon as they become obsolete unless specifically designated by the

historic zoning commission as contributing to the character of the particular property or of the historic zone, in such case they shall be retained and preserved consistent with the corresponding guidelines.

(ii) Lettering, accessories, and colors. (A) Historic spelling, lettering, fonts, and wording must be consistent with the guidelines set forth by the historic zoning commission.

(B) The historic zoning commission will not approve words that are misspelled for commercial purposes.

(C) The historic zoning commission will not approve words in any duly convened meeting, misrepresent the business, are misleading, or are offensive to significant numbers of people in the general population.

(D) Sign accessories are considered parts of signs and must be approved by the historic zoning commission.

(E) Sign accessories may be included in the overall size of the sign for purposes of calculating the size of a sign, as well as the visual impact of the sign on adjacent structures and the surrounding neighborhood.

(F) Any sign accessories symbolizing history must be consistent with the documented authentic history of Sweetwater.

(G) Colors should be compatible with the period or style related to the building.

(H) Florescent or day-glow paints and colors will not be approved for use in a historic zone.

(iii) Materials, mounting and quality. (A) Materials selected for the construction of signs must be compatible with the building materials to which a sign is to be attached.

(B) Sign construction materials exposed to public view must be visually consistent with the style and historic period of the related building.

(C) The sign construction materials selected should also enhance both the purpose and the message of the particular business or service.

(1) Compositional boards (MDF) are acceptable when completely covered with paint which substantially hides the identity of the material. No particle board will be allowed.

(2) Decal letters which have the appearance of painted letters are permitted.

(3) Exterior grade plywood is permitted, but for older buildings its edges must always be covered with framing material so as to hide laminations.

(4) Plastics may be approved when the use is compatible with the period and appearance of the building on which it is used.

(5) Unpainted aluminum shall not be permitted.

(6) Other materials such as, but not necessarily limited to, copper, brass, bronze, may be approved for use on buildings built during a period in which such materials were in common use or on buildings showing dominant architectural features of the period in which such materials were in common use.

(D) Materials must always be of sufficiently high quality to be durable for the anticipated life of the sign. The historic zoning commission reserves the right to terminate approval of any deteriorating sign and require its removal.

(E) A sign must always be erected in such a way that there is no danger of it falling under ordinary circumstances.

(F) Consistent with requirements of safety, stability, and strength, flat signs and projecting signs must be attached to a building with a minimum number of fasteners inserted with the least amount of damage possible to building materials.

(G) On masonry surfaces, all penetrating points of attachment must be in mortar joints. No drilling, chipping, hammering, or penetrating of bricks, terra cotta or stone shall be permitted.

(H) The mounting of signs on ornamental architectural masonry, metal, or wood or on metal roofing materials shall not be permitted.

(I) Mounting materials must not be subject to rust or corrosion, which may over time, damage or deface any part of the building. The historic zoning commission reserves the right to terminate approval of any sign constructed of, or mounted with materials found to be damaging the building or staining or defacing the building. This includes, but is not necessarily limited to the destructive effects of the expansion of rusting iron imbedded in building materials.



(J) All signs must be of professional quality. The historic zoning commission reserves the right to rescind approval of any sign within sixty (60) days of its installation, if in the judgment of the majority of the commissioners; the sign does not meet the acceptable professional standards of quality. This is not intended to discourage individual artwork and careful craftsmanship on the part of people who do not necessarily make a living building signs.

(iv) Lighting. (A) In most locations in downtown Sweetwater signs are well lit by street lights and individual sign illumination is unnecessary and shall not be approved.

(B) External illumination may be approved when natural or street lighting does not provide sufficient light for reading a sign.

(C) Internally illuminated signs shall not be permitted even for modern building in the H-1 Zone.

(D) The effect of any sign illumination on adjacent or neighboring buildings must be carefully considered prior to approval by the historic zoning commission.

(14) Approval. It shall be unlawful for any person to erect any sign requiring a permit without first complying with all the following requirements, unless hereafter accepted.

(a) Completion of the sign permit application.

(b) Site plan approval from the planning commission if part of a general site plan.

(c) Approval of the sign administrator.

(d) Issuance of a sign permit shall be kept on display on the premises.

(e) A sign permit shall become expired if erection is not commenced within one hundred eighty (180) days of issuance.

(15) Fees. In order to recoup the administrative costs associated with the processing, approval and issuance of a sign permit and inspecting the signs permitted under this section, except for pole signs, a minimum fee in the amount of twenty-five dollars (\$25.00) for each permit shall be paid to the city for each sign up to twenty-five (25) square feet in area and one dollar (\$1.00) for each additional square foot for each permit issued.

(a) Fees will be waived for non-profit civic organizations.

(16) If any application for a building permit to erect a sign does not fall within the standards and limitations set out herein, then and in that event the application must be reviewed by the board of zoning appeals as a special exception. (1982 Code, § 11-409, as amended by Ord. #\_\_\_\_, Aug. 1982, and Ord. #610, March 1988, and replaced by Ord. #888, Nov. 2012, and amended by

Ord. #968, Oct. 2018 *Ch7\_02-07-22*, Ord. #977, March 2020 *Ch7\_02-07-22*, and Ord. #1025, Oct. 2023 *Ch8\_08-05-24*)

**14-410. Mobile homes and mobile home parks.** The following regulations shall apply to mobile homes and mobile home parks:

(1) Mobile homes shall be allowed only in mobile home parks excepting nonconforming mobile homes subject to § 14-502 of this code.

(2) A temporary permit not exceeding three (3) months may be issued for occupancy of a mobile home for the guarding of a construction site. A temporary permit can be renewed not exceeding a total of one (1) year.

(3) Site and lot size requirements for mobile home parks.

(a) No parcel of land containing less than ten (10) acres and less than ten (10) mobile home spaces, available at the time of first occupancy shall be utilized for a mobile home park.

(b) The mobile home park shall be subject to the density provisions of the districts in which it is located; provided, however, there shall be not less than four thousand (4,000) square feet of lot area for each space provided on the site. This space ratio shall include access roads and automobile parking.

(c) The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(4) Dimensional requirements for parks.

(a) Each mobile home park shall have a front yard of thirty (30) feet extending for the full width of the parcel devoted to said use.

(b) Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet from the parcel boundary.

(c) In instances where side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.

(d) No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

(5) Dimensional requirements for mobile home spaces. Each mobile home space shall be of sufficient size that, in addition to the trailer, the following space shall be provided:

(a) Each mobile home space shall be at least thirty (30) feet wide and such space shall be clearly defined by permanent markers.

(b) There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.

(c) Mobile homes shall be so harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile

home shall be located closer than twenty (20) feet from any building within the mobile home park.

(d) There shall be at least one (1) paved, off-street parking space for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.

(e) Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet.

(6) General requirements.

(a) There shall be established and maintained within each mobile home park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one (1) space for every four (4) trailer sites.

(b) Access roads within a mobile home park shall be paved to a width of not less than twenty-four (24) feet. Said roads shall be constructed to the standards set forth in the Sweetwater Subdivision Regulations.

(c) Mobile home spaces may abut upon a driveway of not less than twenty (20) feet in width, which shall have an unobstructed access to the access road within a mobile home park. The sole vehicular access shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.

(d) A minimum of six (6) inches of compacted gravel, or other suitable pavement material, should be installed for each trailer space. Size of pads shall be 12' x 50' or larger.

(e) Each mobile home space shall be provided with a connection to the sanitary sewer or to a sewer system approved by the Monroe County Health Officer.

(f) Trailers, with or without toilet facilities, that cannot be connected to a sewer system approved by the health officer shall not be permitted in a mobile home park.

(g) Cabanas, travel trailers, and other similar enclosed structures are prohibited.

(h) Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within a mobile home park.

(i) A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than seven (7) feet in height. Such wall, fence, or hedge shall not be constructed within the required front yard setback.

(j) Each mobile home park shall be permitted to display on each street frontage one identifying sign of a maximum size of nine (9) square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.

(7) Application for permit. Applications for a building permit shall be filed with and issued by the building inspector, subject to the approval of the

planning commission. According to § 14-604, each application shall be accompanied by three (3) copies of the plot plan drawn to scale and displaying the following information:

- (a) The location and legal description of the proposed mobile home park.
- (b) Location and dimensions of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
- (c) The proposed use of buildings shown on the site.
- (d) The location and size of all mobile home spaces.
- (e) The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
- (f) The location of all off-street parking facilities.
- (g) The location of all walls, fences, and screens and the indication of their height and the materials of construction.
- (h) The location and size of park and recreation areas.
- (i) The name and address of the applicant.
- (j) Such other architectural, engineering, and topographic data as may be required to permit the health officer, building inspector, and board of zoning appeals to determine if the provisions of these regulations are being complied with shall be submitted with the plot plan.
- (k) A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- (l) Certification of approval of the sanitary sewer system by the county health officer or signed certificates for public utilities. (1982 Code, § 11-410, modified)

**14-411. Standards for automobile wrecking, junk, and salvage yards.**<sup>1</sup> Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide to evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- (1) All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that

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<sup>1</sup>Municipal code reference

Junked motor vehicles: title 15, chapter 8.

they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) No automobile wrecking, junk, and salvage yard shall be permitted closer than three hundred (300) feet from any residential district.

(3) All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

(4) No person shall own or maintain an automobile wrecking, junk, or salvage yard within the City of Sweetwater until he has secured approval from the board of zoning appeals in accordance with § 14-605. (1982 Code, § 11-411)

**14-412. Standards for cemeteries.** The following development standards shall apply to all cemeteries:

(1) The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.

(2) Any new cemetery shall be located on a site containing not less than ten (10) acres.

(3) All structures and facilities including, but not limited to, mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back a minimum of thirty feet (30') from all property lines and street rights-of-way. (1982 Code, § 11-412, as replaced by Ord. #985, Dec. 2020 *Ch7\_02-07-22*)

**14-413. Site plan requirements.** To ensure compliance with all city regulations, site plans are required for all new developments, modifications to existing developments, and/or redevelopments of all non-single-family and two-family residential uses. Such plans shall be approved by the planning commission prior to the issuance of a building permit.

In accordance with § 14-801, the planning commission may require a bond or some other form of surety for any and/or all improvements proposed on the submitted site plan.

All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor, as may be appropriate and in accordance with state law regarding the practice of these professions. A site plan shall set forth the proposed development of the total land, tract, or parcel and shall meet the following site plan requirements.

- (1) Property street address.
- (2) Property tax map and parcel information.
- (3) Name and address of property owner(s).
- (4) Name and address of applicant(s).

- (5) Name, address, and stamp of professional who prepared the plan.
- (6) Current zoning classification and required building setback information.
- (7) Graphic scale. Drawings shall be at a scale of not less than one inch equals twenty feet (1" = 20') for small tracts and not less than one inch equals fifty feet (1" = 50') for large tracts,
- (8) North point, acreage of site, location map, and date of preparation.
- (9) A boundary survey of the property, including all rights-of-way, easements, and covenants.
- (10) Topographical data on five-foot (5') contours, or less, reflecting existing and finished grades.
- (11) The location and an identification of all significant physical features of the property based on readily available information, such as floodplains, wetlands, ponds, lakes, streams, springs, surface depressions or sinkholes, steep slopes, and historic, archaeological, or cultural sites.
- (12) Ingress and egress locations with widths, sight distance, and distances to nearby intersections and other driveways.
- (13) Locations and dimensions for all buildings, parking lots, parking spaces, loading zone areas, sidewalks, trash dumpsters, accessory structures, and outdoor storage areas.
- (14) Square footage of each proposed building.
- (15) Location of any ground or pylon sign. Sign permits are required from the city for each sign.
- (16) Location of all existing and proposed light poles.
- (17) A landscape plan per the landscape ordinance.
- (18) An erosion control plan.
- (19) For all sites, a certified plan for storm water drainage shall be included with the site plan. Such plan shall identify all easements, drainage structures including size/capacities, energy dissipaters, off-site drainage structures including size/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated storm water runoff based on a twenty-five (25) year storm event shall be calculated for pre-development and post-development. The rate of storm water runoff shall not be increased and detention/retention shall be accommodated on site.
- (20) Location, size, and layout of all existing and proposed utilities, including fire hydrants, with the required certificates of approval for such existing and/or proposed public utilities by the Sweetwater Utilities Board. The following certificates shall be included on the site plan.

#### Certificate of Public Water

I hereby certify that public water is currently available or has been installed as identified on this site plan, or that the developer has entered into an agreement for the needed public water improvements to be installed in an acceptable

manner in accordance with the specifications of the Sweetwater Utilities Board standards.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature - Sweetwater Utilities Board Representative

Certificate of Public Sewer

I hereby certify that public sewer is currently available or has been installed as identified on this site plan, or that the developer has entered into an agreement for the needed public sewer improvements to be installed in an acceptable manner in accordance with the specifications of the Sweetwater Utilities Board standards.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature - Sweetwater Utilities Board Representative  
(as replaced by Ord. #985, Dec. 2020 *Ch7\_02-07-22*)

**14-414. Standards for day care centers.** The following development standards shall apply to all day care centers:

- (1) All regulations of the State of Tennessee regarding day care centers shall be met.
- (2) The structure which will house the day care center shall be in good condition and certified by the building official.
- (3) The structure which will house the day care center must meet all requirements of the adopted building codes.
- (4) The structure which will house the day care center must be approved by the Chief of the Sweetwater Fire Department. The fire chief shall certify that there are no potentially hazardous conditions which would be conducive to fire.
- (5) Off-street parking shall be provided, as regulated in §§ 14-404, 14-405, and the landscape ordinance. At no time will on-street parking be allowed.
- (6) The structure which will house the day care center shall be connected to public water and sewer and utilize solid waste collection.
- (7) Appropriate fencing, as required by the State of Tennessee regulations or elsewhere in these regulations, whichever is more restrictive, shall be installed.
- (8) At no time shall the yard, grounds, or building structure fall into disrepair. (1982 Code, § 11-414, as replaced by Ord. #985, Dec. 2020 *Ch7\_02-07-2022*)

**14-415. Recreational vehicle parks.** The following regulations shall apply to all recreational vehicle parks:

- (1) Area regulations. (a) The minimum parcel size for the development of a recreational vehicle (RV) park shall be five (5) acres.
- (b) Each individual recreational vehicle (RV) site shall be a minimum of thirty feet (30') by seventy feet (70').
- (c) All RV sites, buildings, and other structures shall meet the minimum yard setbacks of the district in which the RV park is located.
- (d) All driveways and overflow parking areas shall be set back a minimum of ten feet (10') from all property lines.
- (2) Streets and parking. (a) Streets within an RV park shall be private and shall have a minimum width of twenty-five feet (25') for two-way traffic and twelve feet (12') for one-way traffic.
- (b) All main interior streets shall meet the paving specifications of the Sweetwater Zoning Ordinance parking lot construction requirements.
- (c) Each RV site shall provide an off-street parking space for a towing vehicle. Such parking shall meet the minimum paving specifications of the Sweetwater Zoning Ordinance parking lot construction requirements.
- (d) Interspersed overflow parking areas shall be provided throughout the RV park.
- (3) Other design requirements. (a) Public restrooms/bathhouses shall be provided for the use of the residents of the RV park.
- (b) Each RV site shall provide a paved pad to accommodate the recreational vehicle. Such pad shall be constructed to meet the minimum paving specification of the Sweetwater Zoning Ordinance parking lot construction requirements.
- (c) A minimum of one (1) shade tree per three (3) RV sites shall be planted. Such trees shall be planted so as to provide shade for the surrounding RV sites.
- (d) Useable and functional open space shall be provided for the enjoyment of the residents of the RV park.
- (e) There shall be a centralized dump station or individual sewer hook-ups at each RV pad.
- (f) All RV parks shall be served by public sewer and water.
- (g) Each RV site shall be provided with a fly-tight, water-tight, rodent proof trash container. In addition, a centralized trash dumpster shall be provided in the park. Such dumpster shall meet all screening requirements established in § 14-402. All refuse shall be collected at least twice weekly. (Ord. #615, Nov. 1988, modified, as replaced by Ord. #985, Dec. 2020 *Ch 7\_02-07-22*)



**14-416. Performance standards for self-service storage facilities (mini-warehouses).**

(1) Area regulations. (a) The minimum parcel size for the development of a self-service storage facility shall be two (2) acres.

(b) All buildings and other structures shall meet the minimum yard setbacks of the district in which the storage facility is located.

(c) All driveways and fences shall be set back a minimum of ten feet (10') from all property lines.

(d) Maximum building height: Twenty feet (20') measured from eave.

(e) Maximum unit size: Five hundred (500) square feet

(2) Internal driveways and parking. (a) Within commercial districts, all internal driveway aisles serving the site, accessing self-service storage units, or accessing the designated outdoor storage area shall meet the paving specifications of the Sweetwater Zoning Ordinance parking lot construction requirements. Within industrial districts, all internal driveway aisles serving the site, accessing self-service storage units, or accessing the designated outdoor storage area which are located in the front yard shall meet the paving specifications of the Sweetwater Zoning Ordinance parking lot construction requirements.

(b) Parking spaces for vehicles in areas designated for such outdoor storage may be graveled.

(c) Off-street parking: As regulated in § 14-404 and the landscape ordinance.

(3) Minimum design requirements. (a) No door openings for any self-service storage unit shall be constructed facing any adjacent residentially or agriculturally zoned property.

(b) All lights shall be shielded to direct light onto the site and away from all adjacent properties and rights-of-way.

(c) Ground or pole signs shall comply with § 14-409. Signs, Billboards, and Other Advertising Structures. Wall signs shall be limited to one (1) sign per building. Such signs shall not exceed nine (9) square feet.

(d) Due to the unique design of self-service storage facilities, these facilities are exempt from § 14-1006. Building Landscape Requirements of the landscape ordinance.

(4) Other requirements. (a) Recreational vehicles, boats, and operational vehicles may be stored outside in designated areas only. All other storage shall be within enclosed structures.

(b) Self-service storage facilities shall be limited to "dead storage" use only. "Dead storage" is goods not in use or associated with any office, retail, commercial, industrial, or other business use on the premises.

(c) No hazardous materials shall be stored in any storage unit.

(d) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations is prohibited.

(e) The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kiln, and other similar equipment is prohibited.

(f) With the exception of public auctions applicable to delinquent renters in accordance with all applicable laws, no sales, garage sales, auctions, or miscellaneous services or business activities shall be conducted on the premises.

(g) The servicing or repair of motor vehicles, boats, recreational vehicles, lawn mowers, or any other similar equipment shall not be conducted on the premises.

(h) The establishment of a transfer and storage business is prohibited.

(i) Fire protection shall be provided to meet existing building codes and fire protective requirements regarding hydrant locations, fire walls, etc. (Ord. #614, Nov. 1988, modified, as replaced by Ord. #985, Dec. 2020 *Ch7\_02-07-22*, and amended by Ord. #1024, Sept. 2023 *Ch8\_08-05-24*)

**14-417. Fireworks storage.** (1) The storage of Class C fireworks is permitted only in the C-5 Interstate/interchange district and shall be governed by the provisions of Tennessee Code Annotated, §§ 68-22-101 through 68-22-116 and as amended; the most current editions of the Fire Prevention Code (NFPA No.1) and the National Electric Code of the National Fire Protection Association, and these regulations.

(2) Prior to commencing the operation of any business requiring the handling, storage, and/or sales of fireworks, the responsible person or agent shall obtain a municipal privilege license.

(3) Said license may be issued after documentation of the following:

(a) Certification by the building inspector that the site is in a C-5 zoning district and that the building meets minimum standards for the safe storage of fireworks. The review shall consider the following:

(i) Merchandise, product, materials will be stored in an enclosed, secure structure.

(ii) The structure has at least a four (4) hour fire rating.

(iii) The structure has setbacks of no less than thirty (30) feet from all property lines and shall not be adjacent to a residential district.

(iv) The applicant is a state licensed retailer.

(v) The applicant specifies the maximum quantities and time periods that materials will be stored.

(b) Certification by the fire department that the operation meets minimum fire codes for safe operation.

(c) Certification by the police department that it is aware of the proposed location, quantities, and time period(s) that materials will be stored. (Ord. #677, Nov. 1995, modified)

**14-418. Standards for adult oriented establishments.** Because of the nature and character of their operations, adult oriented establishments can have a detrimental effect upon surrounding properties. The following standards shall apply:

(1) Adult oriented establishments shall be permitted only within the M-2 heavy industrial zoning district, and shall not be permitted within three-hundred (300) yards of:

(a) A church, synagogue, mosque, temple or building used primarily for religious worship and related religious activities;

(b) A public or private educational or child care facility, including but not limited to day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities and the grounds of any such facility;

(c) A boundary of any residential zoning district or the property line of a lot devoted to a residential use;

(d) A public park or recreational area that has been designated for park and recreational activities, including but not limited to a park, playground, nature trail, swimming pool, athletic field, basketball or tennis court, a soccer field, pedestrian/bicycle paths or any other similar public land which is under control, operated, or management of any government park and recreational authority;

(e) An entertainment business that is oriented primarily towards entertainment of children and families;

(f) Any packaged liquor store;

(g) A funeral home, mortuary, or crematory facility.

(2) For the purpose of these conditions, measurement shall be made in a straight line, without regard to intervening structures, objects or public right-of-ways, from the structure proposed for use as the premises where an adult oriented establishment is conducted, to the nearest property line of the premises of a use listed in subsections (a)-(g). The presence of a city boundary shall be irrelevant for purposes of calculating and applying the distance requirement of this section.

(3) An adult oriented establishment lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations of said establishment, of a use listed in subsections (a)-(g) within five hundred (500) feet of the adult-oriented establishment.

(4) No adult-oriented establishment may be established or operated within five-hundred (500) feet of another adult oriented establishment. For the purpose of this subsection, the distance between any two (2) adult oriented establishments shall be measured in a straight line, without regards to the intervening structures, objects, public right-of-ways, or municipal boundary, from the property lines in which each business is located.

(5) No adult-oriented establishment may be enlarged so as to violate the provisions of this section.

(6) Proposals for adult oriented establishments shall be approved by the board of zoning appeals as a use on review in accordance with § 14-604 of the Sweetwater Zoning Ordinance and shall comply with title 9, chapter 6 of the Sweetwater Municipal Code. (as added by Ord. #772, Oct. 2004)

## CHAPTER 5

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

- 14-501. Scope.
- 14-502. Nonconforming uses.
- 14-503. Lots of record.
- 14-504. Minimum lot size.
- 14-505. Exceptions to height limits.
- 14-506. Setback line.

**14-501. Scope.** Chapter 5 of this title is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in chapters 3 and 4. (1982 Code, § 11-501)

**14-502. Nonconforming uses.** It is the intent of the zoning code to recognize that the elimination as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of the zoning code is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of the zoning code. It is also the intent of the zoning code to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of the zoning code or any amendment thereto shall be allowed to remain subject to the following provisions:

(1) An existing nonconforming use of a building may be changed to a conforming use, to a nonconforming use of the same classification, or to a nonconforming use of a more restrictive classification; provided, however, that establishment of another nonconforming use of the same or more restrictive classification shall be subject to written approval of the board of zoning appeals, and subject to such conditions as the board of zoning appeals may require in order to protect the area.

(2) A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of the zoning code. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of the zoning code.

(3) When a nonconforming use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of six (6) months, it shall not be reestablished or changed to any use not in conformity with the provisions of the zoning code. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming

mobile home park, the nonconformity of such structure and use of land shall lapse.

(4) Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damaged to an extent of more than sixty (60) percent of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of the zoning code.

(5) A nonconforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of the zoning code. These provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety. (1982 Code, § 11-502)

**14-503. Lots of record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of the zoning code does not own sufficient land to enable him to conform to the yard or other requirements of the zoning code, an application may be submitted to the board of zoning appeals for a variance from the terms of the zoning code. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the board of zoning appeals is possible.

No lot which is now or hereafter built upon shall be so reduced in area that the yards and open spaces will be smaller than prescribed by the zoning code, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof shall again be considered as a yard, court, or other open space for another building.

Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one (1) or more building sites meeting the minimum requirements of the district in which they are located. (1982 Code, § 11-503)

**14-504. Minimum lot size.** Minimum lot size is determined by the zoning district. In no case shall the board of zoning appeals permit a residence to be erected on a lot whose width at the building line is less than fifty (50) feet and/or whose total lot area is less than five thousand (5,000) square feet. (1982 Code, § 11-504, modified)

**14-505. Exceptions to height limits.** The height limitations contained in the district regulations do not apply to towers, spires, belfries, cupolas, domes, antennas, chimneys, freestanding poles, water tanks, and other structures and appurtenances not designed or intended for human occupancy. Such structures shall be located no closer to the nearest property line than the

distance equal to their own height plus five feet (5'). (1982 Code, § 11-505, as replaced by Ord. #986, Dec. 2020 *Ch7\_02-07-22*)

**14-506. Setback line.** The setback requirement of the zoning code for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line. (1982 Code, § 11-506)

## CHAPTER 6

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

- 14-601. Administration.
- 14-602. The enforcement officer.
- 14-603. Building permits.
- 14-604. Procedure for authorizing uses permitted on review.
- 14-605. Board of zoning appeals.
- 14-606. Variances.
- 14-607. Amendments.
- 14-608. Remedies.

**14-601. Administration.** Except as otherwise provided, no structure or land shall after the effective date of the provisions of chapters 2 through 7 of this title be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of chapters 2 through 7 of this title shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. (1982 Code, § 11-601)

**14-602. The enforcement officer.** The provisions of chapters 2 through 7 of this title shall be administered and enforced by the building inspector. This official shall have the right to enter upon any premises necessary to carry out the duties in the enforcement of the zoning code. In addition, he shall issue all building permits and make and maintain records thereof, and conduct inspections as prescribed by chapters 2 through 7 of this title and other such inspections as necessary to insure compliance with the zoning code, and in addition, he shall:

- (1) Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.
- (2) Maintain and keep current zoning maps and records of amendments thereto.
- (3) Review all proposed developments, especially those to be located in the floodway or flood fringe areas to insure that all necessary permits have been reviewed for those governmental agencies for which approval is required by state and federal agencies.



(4) Obtain and review base flood elevation data to insure that all new or substantially improved residential structures are in compliance with flood hazard regulations.

(5) Review all subdivision proposals and proposed new developments greater than fifty (50) lots or five (5) acres whichever is lesser to insure that all such developments within the flood fringe areas contain base flood elevation data. (1982 Code, § 11-602, modified)

**14-603. Building permits.** (1) It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures; to commence the moving, alteration, or repair of any structure, including accessory structures; or to commence the filling of land until the building inspector has issued for such work a building permit containing a statement that the plans, specifications, and intended use of such structure in all respects conform with the provisions of the zoning code. Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose.

(2) It shall be unlawful for the building inspector to approve the plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them to be in conformity with the zoning code. To this end, the building inspector shall require that every application for a building permit for excavation, construction, moving, or alteration shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, construction, moving, or alteration is in conformance with the zoning code.

(a) The actual shape, location, and dimensions of the lot to be built upon.

(b) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.

(c) The existing and intended use of all such buildings or other structures.

(d) Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the zoning code are being observed.

(3) If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of the zoning code, the building inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such

disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of the zoning code, and building permits shall be void after six (6) months from date of issue unless substantial progress on the project has been made by that time. (1982 Code, § 11-603)

**14-604. Procedure for authorizing uses permitted on review.** The following procedure is established to provide procedures for review of a proposed use by the board of zoning appeals. The procedure shall be the same whether review is required by chapters 2 through 7 of this title or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive.

(1) Application. An application shall be filed with the board of zoning appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners and existing land uses within two hundred (200) feet, and any other material pertinent to the request which the board of zoning appeals may require.

(2) Restrictions. In the exercise of its approval, the board of zoning appeals may impose such conditions regarding the location, character, or other features of the proposed uses or buildings as it may deem advisable in the furtherance of the general purposes of the zoning code.

(3) Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the board of zoning appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

(4) General requirements. A use permitted on review shall be granted provided that the board of zoning appeals finds that it:

(a) Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;

(b) Will not adversely affect other property in the area in which it is located;

(c) Is within the provision of "uses permitted on review" as set out in chapters 2 through 7 of this title; and

(d) Conforms to all applicable provisions of chapters 2 through 7 of this title. (1982 Code, § 11-605)

**14-605. Board of zoning appeals.** A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, §§ 13-7-205 through 13-7-207. As permitted by Tennessee Code Annotated, § 13-7-205, the Sweetwater Planning Commission is hereby designated as the board of zoning appeals.

(1) Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine.

Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

(2) Appeals to; how taken. An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of the zoning code. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

(3) Power. The board of zoning appeals shall have the following powers;

(a) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the building inspector or other administrative official in the carrying out of enforcement of any provision of the zoning code.

(b) Special exceptions. To hear and decide application for special exceptions as specified in the zoning code, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the board of zoning appeals is authorized to pass.

(c) Variances. To hear and decide applications for variances from the terms of the zoning code. (1982 Code, § 11-606, as amended by Ord. #768, May 2004)

**14-606. Variances.** The purpose of the variance is to modify the strict application of the specific requirements of chapters 2 through 7 of this title in the case of exceptionally irregular, narrow, shallow, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under the zoning code.

(1) Application. After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the board of zoning appeals.

(2) Standards for variances. In granting a variance, the board shall ascertain that the following criteria are met:

(a) Variances shall be granted only where special circumstances or conditions, fully described in the funding of the board, do not apply generally in the district.

(b) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

(c) For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of the zoning code would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

(d) The granting of any variance shall be in harmony with the general purposes and intent of the zoning code and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

(e) In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefor. (1982 Code, § 11-607)

**14-607. Amendments.** The regulations and the number or boundaries of districts established by the zoning code may be amended, supplemented, changed, modified, or repealed by the mayor and board of commissioners, but in accordance with the Tennessee enabling legislation, no amendment shall become effective unless it is first submitted to and approved by the planning commission, or, if disapproved, shall receive a majority vote of the mayor and board of commissioners. The planning commission upon its own initiative may hold a public hearing, public notice of which shall be given, for the consideration of any proposed amendment of the provisions of chapters 2 through 7 of this title or to the zoning map, and report its recommendations to the mayor and board of commissioners. (1982 Code, § 11-608)

**14-608. Remedies.** In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of the zoning code, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land. (1982 Code, § 11-609)

## CHAPTER 7

### FLOODPLAIN ZONING ORDINANCE

#### SECTION

- 14-701. Statutory authorization, findings of fact, purpose and objectives.
- 14-702. Definitions.
- 14-703. General provisions.
- 14-704. Administration.
- 14-705. Provisions for flood hazard reduction.
- 14-706. Variance procedures.

**14-701. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Sweetwater, Tennessee, Mayor and Board of Commissioners, do ordain as follows:

(2) Findings of fact. (a) The City of Sweetwater, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the City of Sweetwater, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP.  
(Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

**14-702. Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(4) "Area of shallow flooding" means a designated AD or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building" see "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls

adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a: rule, regulation, order or other determination made or issued pursuant to this ordinance.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures" see "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.



(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency

preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of Sweetwater, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering

practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood" see "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AD, AH, A1-30, AE or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AD, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any

work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure" for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this ordinance.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

**14-703. General provisions.** (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Sweetwater, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Sweetwater, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) number 47123CVOOOA and Flood Insurance Rate Map (FIRM), community panel number(s) 47123C0039D, 47123C0110D, 47123C0126D, 47123C0127D, 47123C0128D, 47123C0129D, and 47123C0135D dated February 3, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Sweetwater, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Sweetwater, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

**14-704. Administration.** (1) Designation of ordinance administrator. The building official is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

- (a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height

above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-705(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by, or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:



(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-704(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-704(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-704(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Sweetwater, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public

inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

**14-705. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;
- (j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance,

shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 USC 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-705(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-705(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-702). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on

both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-702). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-704(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria:

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-705(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-702).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-705(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-705(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-703(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Sweetwater, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-705(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-703(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-705(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-703(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-705(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-702). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-704(2).

Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-705(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Sweetwater, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-705(1) and (2). Within approximate A Zones, require that those subsections of § 14-705(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones).

Located within the special flood hazard areas established in § 14-703(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-705(1) and (2), apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-705(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at



least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-704(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-703(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-704 and 14-705 shall apply.

(8) Standards for unmapped streams. Located within the City of Sweetwater, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1 ') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-704 and 14-705. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

**14-706. Variance procedures.** (1) Municipal board of zoning appeals.

(a) Authority. The City of Sweetwater, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of (amount) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than (number of) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Sweetwater, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum

necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-706(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

## CHAPTER 8

### BONDING REQUIREMENTS FOR ALL SITE PLANS

#### SECTION

14-801. Requirements and procedure.

**14-801. Requirements and procedure.** (1) Completion of improvements. No final subdivision plat or site plan shall be approved by the Sweetwater Regional Planning Commission ("planning commission") or accepted for recording by the county register of deeds until the developer has completed construction of all required improvements in a satisfactory manner, except as hereinafter provided.

(2) Improvements to be bonded. Said improvements shown on the subdivision plat or site plan include, but are not necessarily limited to, existing road improvements, proposed road construction, driveways, sewer and water extensions or connections, electrical service, tiles, culverts, drainage ways including catch basins, or any other improvements required by the planning commission before the subdivision plat or site plan is approved.

(3) Initial bond. In lieu of completion of required improvements the planning commission may approve a final subdivision plat or site plan when sufficient security is posted with the planning commission to insure the construction of the required improvements in a sum equal to one hundred and twenty percent (120%) of the estimated cost to complete said improvements as determined by the planning commission.

(4) Acceptable security. The bond requirement may be satisfied with a performance bond or surety bond guaranteed by an acceptable bonding company licensed to do business in the State of Tennessee, a cash deposit to be held in escrow by the City of Sweetwater or an agreed escrow agent, or an acceptable irrevocable letter of credit from an FDIC-approved bank (all referred to hereinafter as the "bond") for a term of not less than one (1) year from the date of approval of the final subdivision plat or final site plan made payable to the City of Sweetwater as beneficiary. The bond shall be retained by the City of Sweetwater.

(5) Renewal. If the required improvements have not been completed and approved prior to two (2) months before expiration of the bond, the developer must present evidence of its application to renew the bond or letter of credit at the planning commission meeting at least one (1) month before expiration. The bond shall be renewed in a sum equal to one hundred and twenty percent (120%) of the anticipated cost to complete said improvements at the time of renewal.

(6) Default and execution. (a) If said improvements are not timely completed and approved, the planning commission shall declare the developer in default and execute on its security by calling the corporate bond, withdrawing the funds from escrow or drawing the funds guaranteed by the letter of credit from the issuer. The bonding company will contract for the completion of said improvements or proceeds of the bond or other security shall be used to defray the costs of completion. The developer shall remain liable for excess costs of completion not covered by the bond.

(b) Written notice of intent to execute shall be given by the appropriate agency not less than thirty (30) days prior to expiration date.

(c) Upon written request, a renewed or new bond may be accepted in lieu of execution of an outstanding security. Such request must be filed and the new bond or other security posted with the planning commission not less than fifteen (15) days prior to expiration of outstanding bond. Such bond shall secure one hundred twenty percent (120%) of the estimated cost of completion at the time of issuance of the renewed or new bond, but it shall not exceed a term of one (1) year. If a new bond is accepted, the outstanding bond shall be allowed to expire or, at the developer's request, it will be released.

(6) Completion. If said improvements are timely completed and approved following a final inspection, the bond may be allowed to expire, or at the developer's request, the planning commission shall release the bond.

(7) Successor developer bound. If ownership of the real property shown on the subdivision plat or site plan changes before said improvements are completed and approved, the new owner shall be bound by all the duties and obligations set forth herein to complete the improvements and upon satisfactory completion shall have the right to acceptance of said improvements by the city. (Ord. #541, Dec. 1982, modified, as replaced by Ord. #1013, Feb. 2023 **Ch8\_08-05-23**)

## CHAPTER 9

### HISTORIC DISTRICTS AND LANDMARKS

#### SECTION

- 14-901. Purpose.
- 14-902. Administration.
- 14-903. Permitted uses.
- 14-904. Historic zoning commission.
- 14-905. Ordinance of designation.
- 14-906. Designation report.
- 14-907. Certificate of appropriateness.
- 14-908. Issuance of certificate of appropriateness.
- 14-909. Remedies.
- 14-910. Enforcement.
- 14-911. Appeals.

**14-901. Purpose.** The heritage of the City of Sweetwater is one of its most valued assets. Conservation of historic properties will stabilize and increase property values in their areas as well as strengthen the overall economy of the city, county and state. By means of identification and regulation of historic properties, the city seeks, within its zoning jurisdiction, to:

- (1) Safeguard its heritage and historic character by preserving any property therein that embodies important elements of its culture, history, or architectural history; and
- (2) Promote the use and conservation of such district or landmark for the education, economic welfare, pleasure and cultured enrichment of the residents of the city, county, and the state as a whole. (as added by Ord. #781, April 2006)

**14-902. Administration.** Except as otherwise provided, no structure or land shall be used and no structure or part thereof shall be erected, altered, moved, or demolished unless in conformity with the regulations herein specified for the historic district in which it is located. In their interpretation and application, the provisions of chapters 2 through 9 of this title shall be considered minimum requirements adopted for the promotion of public health, safety, and general welfare of the community. Where other ordinances or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. (as added by Ord. #781, April 2006)

**14-903. Permitted uses.** Property and buildings designated in a Historic Overlay District shall be used for the purpose permitted by the base zoning district in effect at the time of historic overlay zoning or subsequent zoning districts legislatively approved for the site. (as added by Ord. #781, April 2006)

**14-904. Historic zoning commission.** (1) Creation: compensation; appointments. There is hereby established, by the authority of Tennessee Code Annotated, § 13-7-401, et seq., the Sweetwater Historic Zoning Commission to consist of nine (9) persons of which one (1) shall be a representative of a local patriotic or historic organization, one (1) shall be an architect, one (1) shall be a member of the Sweetwater Municipal-Regional Planning Commission or city staff, and the remainder shall be citizens of the City of Sweetwater. All members of the historic zoning commission shall be residents or owners of property within the corporate limits and all members shall serve without compensation. The historic zoning commission members shall be appointed by the mayor and board of commissioners. The terms of members of the historic zoning commission shall be four (4) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but not more than two (2) members, shall expire each year, (excluding the planning commission member who shall serve according to their planning commission term of up to four (4) years).

(2) Rules of procedure: annual report. The historic zoning commission shall adopt rules of procedure (by-laws) for the conduct of its business. The commission annually shall elect from its membership a chairman, vicechairman, and a secretary. The commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the adoption of this ordinance and regular meetings shall be scheduled once every month. The commission shall keep a record of its members' attendance, meeting minutes, its resolutions, findings and recommendations, which record shall be public records.

An annual report shall be prepared and submitted to the Sweetwater Planning Commission and the mayor and board of commissioners by May 1 of each year. Such report shall include a review of the activities, problems and actions of the historic zoning commission.

(3) Powers. The Sweetwater Historic Zoning Commission is authorized and empowered to undertake such actions as are reasonably necessary to the conduct of its duties and responsibilities outlined in this chapter and Tennessee Code Annotated 13-7-401 et. seq., including, but not limited to, the following:

(a) As soon as practical after its creation, and consistent with the resources available to it, the historic zoning commission shall undertake an inventory of properties of historical, architectural, and



cultural significance within its jurisdiction as a guide for the identification and evaluation of landmarks and districts.

(b) Recommend to the mayor and board of commissioners areas to be designated by ordinance as an "historic district overlay" and buildings, structures, sites or objects to be designated by ordinance as "historic landmarks."

(c) Conduct educational programs with respect to historic properties within its jurisdiction.

(d) Cooperate with the state, federal and local governments in pursuit of the purposes of this chapter.

(e) Review and act upon proposals for alterations, site improvements, demolitions, or new construction within historic districts or of designated landmarks, pursuant to this chapter.

(f) Grant or deny certificates of appropriateness.

(g) Adopt rules for design guidelines to determine appropriateness, whose purpose shall be to ensure, insofar as possible, that changes in designated historic properties shall be in harmony with the reasons for their designation. Said guidelines shall, insofar as possible, be consistent with local, state and federal guidelines and regulations, including, but not limited to, building codes, fire codes and the Secretary of the Interior's Standards for Rehabilitation.

(h) Grant variances from its adopted design guidelines only when special circumstances or conditions, including but not limited to economic hardships; such that the strict application of the guidelines would deprive the property owner of a reasonable use of the property. (as added by Ord. #781, April 2006, and amended by Ord. #874, Nov. 2011)

**14-905. Ordinance of designation.** No ordinance designating a historic district or a historic landmark may be adopted until the following procedural steps have been taken:

(1) The Sweetwater Historical Zoning Commission shall prepare and adopt rules of procedure and prepare and adopt design guidelines not inconsistent with Tennessee Code Annotated 13-7-401 et. seq., or this chapter for altering, restoring, moving, or demolishing properties designated as historic districts or landmarks.

Before said design guidelines are adopted, the proposed design guidelines shall be forwarded to the mayor and board of commissioners for their review and approval. The Sweetwater Historical Zoning Commission shall then hold a public hearing on the proposed guidelines with a minimum 15 days notice of the time and place of said public bearing prior to their adoption of the design guidelines.

(2) The Sweetwater Historical Zoning Commission shall prepare and submit to the Sweetwater Planning Commission a designation report, as described in § 14-906, of the historic, architectural, educational, or cultural significance of each building, structure, site, area, or object proposed for designation. The Sweetwater Planning Commission shall then forward its recommendation, along with the report from the Sweetwater Historical Zoning Commission, to the mayor and board of commissioners for their review and consideration.

(3) The mayor and board of commissioners shall hold a public hearing on the proposed ordinance of designation with a minimum 15 days public notice of the time and place of said public hearing. Following the public hearing, the mayor and board of commissioners may adopt the ordinance of designation with any amendments it deems necessary, or reject the proposed ordinance. (as added by Ord. #781, April 2006)

**14-906. Designation report.** No ordinance designating a historic district or a historic landmark shall be forwarded to the mayor and board of commissioners for consideration until the designation report has been approved by the Sweetwater Historic Zoning Commission and has received a recommendation from the Sweetwater Planning Commission.

(1) Prepared by the historic zoning commission. If the commission decides that a property or area should be considered for designation, the commission shall make or cause to be made an investigation and report meeting the minimum standards contained in sub-section (3) of this section.

(2) Prepared by the property owner. To receive consideration for designation of a property as historic, a property owner must submit to the historic zoning commission an application meeting the minimum standards contained in sub-section (3) of this section. Applications prepared by owners will be reviewed and evaluated by the same standards as those prepared by the commission.

(3) Contents. Designation reports shall include the following:

(a) The name of the property, both common and historic names if they can be determined.

(b) The name and address of the current property owner.

(c) Identification of property by tax map and parcel.

(d) The date of construction; if available.

(e) An assessment of the significance of the site, structure, or area pursuant to the criteria for designation established in sub-section (7) below.

(f) An architectural or archaeological description of the site, structure, or area.

(g) A historical discussion of the site, structure, or area with its type, period, locality, and significance.

(h) An overall photograph that clearly depicts the property proposed for designation and supplementary photographs showing facades, details and setting.

(i) Tax map with the boundaries of the designated properties marked.

(4) Submission of reports. A designation report prepared by or for the historic zoning commission may be considered at any meeting of the commission provided that the notification requirements contained in section (5) are met. An application for designation prepared by the property owner and meeting the standards contained in section (3), as identified above, must be received at least 30 days prior to the next meeting of the commission in order to be considered at the meeting.

(5) Notification procedures. When a designation report is to be considered at a commission meeting, the chairperson shall notify by certified mail the owners of the property proposed for designation prior to the meeting at which the matter is to be heard, unless the report has been submitted by the property owner. The chairperson shall also have a notice published in the local paper, not less than 10 days prior to the meeting date, the agenda for the upcoming meeting including the name of all property owners and street addresses of any properties proposed for designation.

(6) Consideration of report. Once the designation report has been prepared, either by the commission or by the property owner, and once the notification requirements of this section have been met, the commission shall consider the report. The commission may accept it, amend it, reject it or recommend further study. Prior to the final action of adopting the designation report, the commission shall indicate the extent to which the property or properties meets the criteria for designation contained in section (7) below.

(7) Criteria for designation. For the purpose of this section, historic designation is defined as geographically definable areas which have a significant individual structure or a concentration, linkage or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or physical development, and which meet one or more of the following criteria for designation:

(a) Association with an event which has made a significant contribution to local, state or national history;

(b) Association with the lives of persons significant in local, state or national history;

(c) Structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values,

or that represent a significant and distinguishable entity whose components may lack individual distinction;

(d) It has yielded or may likely yield archaeological information important in history or prehistory; or

(e) It is listed in the National Register of Historic Places. (as added by Ord. #781, April 2006)

**14-907. Certificates of appropriateness.** No exterior features of any structure designated as an historic landmark or within a designated historic district shall be altered, added to, remodeled, new construction, or demolished until after an application for a certificate of appropriateness of such work has been approved by the Sweetwater Historic Zoning Commission. Therefore;

(1) The Sweetwater Historic Zoning Commission shall serve as a review body with the powers to approve or deny applications for certificates of appropriateness.

(2) In approving or denying applications for certificates of appropriateness, the commission shall accomplish the purposes of this chapter.

(3) The commission shall use its adopted design guidelines for the specific district and or landmark when reviewing an application.

(4) All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations and the reasons therefore.

(5) A certificate of appropriateness shall expire 6 months after its issuance if work as approved has not begun. If a certificate expires, an applicant may seek a new certificate.

(6) Six months after denial of an application for certificate, the application may be resubmitted without change. A changed application may be resubmitted at any time. (as added by Ord. #781, April 2006)

**14-908. Issuance of certificate of appropriateness.** No building permit shall be issued by the city code enforcement officer, which affects property located within a designated district or is a designated landmark, unless an application for a certificate of appropriateness has been submitted to and approved by the Sweetwater Historic Zoning Commission. Said applications shall be provided to the public by the commission and reviewed in accordance with the following procedure:

(1) When any such application is filed, the code enforcement officer shall notify the commission chairman.

(2) The chairman shall set the agenda for the regular meeting date or set a time and date, which shall be no later than thirty (30) days after the filing of the application.

(3) The chairman shall notify the applicant and all other commission members of the date set for the meeting. Notice of time and place of said hearing shall also be given to the public by publication in a newspaper having general circulation at least 10 days prior to the set meeting date.

(4) At such hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.

(5) The commission may grant conditional approval.

(6) Either at the meeting or within not more than fifteen (15) days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action until the next meeting of the commission. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the city building official.

(7) The issuance of a certificate of appropriateness shall not relieve an applicant from the obligation to obtain a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the city concerning zoning, construction repair, or demolition. (as added by Ord. #781, April 2006)

**14-909. Remedies.** In case any building or other structure herein specified for the district in which it is located is erected, constructed, altered, repaired, or converted in violation of this chapter, the code enforcement officer, other appropriate authority or owner of property in the district who would suffer special damage by such violation, in addition to other remedies to include citation to city court seeking fine of up to \$50 per day or may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to correct or abate such violation; or to prevent occupancy of such building, structure or land. (as added by Ord. #781, April 2006)

**14-910. Enforcement.** This chapter shall be enforced by the city's building official, who shall have the authority to enter upon any premises necessary to carry out his duties. (as added by Ord. #781, April 2006)

**14-911. Appeals.** Anyone who may be aggrieved by any final order, judgment, or decision of the Sweetwater Historic Zoning Commission may have such order, judgment or decision reviewed by the procedures of statutory certiorari, as prescribed in chapter 8, title 27 of the Tennessee Code Annotated. (as added by Ord. #781, April 2006)

## CHAPTER 10

### LANDSCAPE ORDINANCE

#### SECTION

- 14-1001. Purpose and intent.
- 14-1002. Applicability.
- 14-1003. The landscape plan.
- 14-1004. Definitions.
- 14-1005. Parking lot landscape requirements.
- 14-1006. Building landscape requirements.
- 14-1007. Buffer strip requirements.
- 14-1008. Overall landscaping requirements.
- 14-1009. Plants size requirements.
- 14-1010. Plant installation.
- 14-1011. Utility policy.
- 14-1012. Bonding.
- 14-1013. Landscape maintenance.
- 14-1014. Appeals.
- 14-1015. Conflict with other regulations and severability.
- 14-1016.--14-1018. Deleted.

**14-1001. Purpose and intent.** Carefully designed landscaping can preserve, improve, and enhance the aesthetic character of the built environment. The purpose and intent of this section is to promote the health, safety, and general welfare of the public by fostering the city's attractiveness as a place in which to live and work, by raising the level of citizen and business expectations about the quality of the community's visual environment, and by promoting qualities in the environment that improve the city's economic well-being. Additionally, well chosen landscaping can improve the compatibility between different land uses, can reduce erosion, can improve stormwater quality, can reduce stormwater runoff, can promote native wildlife, and can reduce summer temperatures in parking lots. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1002. Applicability.** The requirements of this section shall apply to all new developments, modifications to existing developments, and/or redevelopments of all commercial, office, industrial, multi-family, public, and semi-public uses. When a modification to an existing development occurs, only the modifications shall comply with the requirements of this section. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1003. The landscape plan.** All new developments, modifications to existing developments, and/or redevelopments of all commercial, office, industrial, multi-family, public, and semi-public uses shall submit a landscape plan in conjunction with a site plan. The landscape plan may be prepared by the preparer of the site plan or by a nursery professional, horticulturist, or other person with proven training and experience in the field of landscape design. In addition to the site plan information, the following additional elements shall be shown on the landscape plan:

- (1) Existing and proposed drainage features and 100-year floodplain, if applicable;
- (2) Existing and proposed overhead and underground utility lines, including light poles;
- (3) Existing and proposed easements;
- (4) Existing natural areas to be retained;
- (5) The location and width of all required buffer strips;
- (6) A plant schedule, which includes the following:
  - (a) The number and the common and botanical name(s) of existing and proposed plant material to be counted toward fulfilling landscaping requirements; and
  - (b) The height and caliper (where applicable) of all proposed plant material at the time of planting.
- (7) The species names and the locations of all trees and shrubs to be planted; and
- (8) The location, species name, and size of existing trees and shrubs to be credited toward meeting the landscaping requirements. Where a heavily wooded area is being used to fulfill the buffer strip planting requirements, an identification of each individual tree is not required. The plan, however, must clearly address how such areas will contribute toward fulfilling the landscaping requirements. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1004. Definitions.** For the purposes of this chapter, the following terms, phrases, and words shall have the meaning given herein:

- (1) "Buffer strip." An area used to physically separate or screen one (1) use from another so as to visually shield or block noise, lights, or other nuisances.
- (2) "Caliper." A measurement of the tree trunk diameter.
- (3) "Canopy tree." A deciduous or evergreen tree whose mature height is commonly expected to exceed thirty feet (30') and is commonly expected to have a crown spread of thirty feet (30') or more.
- (4) "Ground cover." Live vegetation which grows low to the ground, such as grass, ivy, and other similar plants.

(5) "Impervious surfaces." Includes concrete, asphalt, brick, metal, rock, or any other material constructed or erected on landscaped or natural buffer areas that impedes the percolation of water into the ground.

(6) "Landscape island." In a parking lot, usually curbed, a landscaped area placed at the end or middle of parking rows as a guide to traffic and for landscaping.

(7) "Landscape strip." In a parking lot, usually curbed, a landscaped area located between parking rows as a guide to traffic and for landscaping.

(8) "Landscape yard." A landscaped area located between a parking lot and/or driveway aisles and the side or rear property line.

(9) "Large shrub." A deciduous or evergreen shrub whose expected height at maturity commonly exceeds eight feet (8').

(10) "Shade tree." A deciduous tree where the height at maturity is expected to exceed thirty feet (30') with an expected crown spread of at least thirty feet (30') and where the hunk can be easily maintained in a clear condition (no branches) at least five feet (5') above adjacent ground level.

(11) "Small shrub." A deciduous or evergreen shrub whose expected height at maturity ranges between four feet (4') and eight feet (8').

(12) "Street yard." A landscaped area located between a parking lot and/or driveway aisles and the street right-of-way.

(13) "Tree pruning." The selective removal of certain limbs based on the structure, crown form, and growth of the tree.

(14) "Tree topping." The excessive and arbitrary removal of all parts of the tree above and beyond a certain height with no regard for the structure or growth of the tree. The vertical stem or main leader and the upper primary limbs on trees are cut back to stubs at a uniform height.

(15) "Understory tree." A deciduous or evergreen tree whose expected height at maturity rarely exceed thirty feet (30'). (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-905. Parking lot landscape requirements.** In order to provide shade and to break up the expanse of asphalt, parking lots shall be landscaped per the following requirements:

(1) One (1) shade tree shall be planted in landscape islands located at the encl of each parking row.

(2) One (1) shade tree shall be planted in landscape islands located within a parking row.

(3) One (1) shade tree shall be planted per every seven hundred fifty (750) square feet of landscape strip located in front of a parking row.

In order to protect the view of the principal wall sign from the street at the main entrance(s) into the site, flowering unclerstory trees may be substituted for the required shade trees in (1), (2), and (3), above. The location



of which shade trees may be substituted with flowering understory trees shall be determined at the time of landscape plan approval. A maximum of twenty percent (20%) of the total shade trees required in landscape islands and landscape strips may be substituted with flowering understory trees.

(4) **Street yard.** Trees shall be planted within the street yard at a minimum ratio of one (1) tree per fifty (50) linear feet of street yard. Trees do not have to be evenly spaced. The minimum spacing between trees shall be twenty-five feet (25') measured trunk to trunk. The maximum spacing between trees shall be seventy-five feet (75') measured trunk to trunk.

(5) **Landscape yard.** Trees shall be planted within the landscape yard at a minimum ratio of one (1) tree per eighty (80) linear feet of landscape yard. Trees do not have to be evenly spaced. The minimum spacing between trees shall be forty feet (40') measured trunk to trunk. The maximum spacing between trees shall be one-hundred and twenty feet (120') measured trunk to trunk.

A minimum of eighty percent (80%) of the trees planted within the street yard and landscape yard shall be shade trees. The remaining trees shall be understory trees.

(6) In addition to the trees, all landscape islands, landscape strips, landscape yards, and street yards shall be covered with live vegetation, such as shrubs and ground cover. No impervious surfaces are permitted in these areas.

(7) In order to shield vehicle headlights from nearby residential properties, within the P-1 Professional and Civil District and the C-4 Local General Commercial District, large evergreen shrubs shall be planted in the street yard. Such shrubs shall be a minimum height of four feet (4') at time of planting. Shrubs shall be planted within the street yard at a minimum ratio of one (1) shrub per four (4) linear feet of street yard and shall create a continuous shield between the parking lot and the street. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1006. Building landscape requirements.** In order to soften the expanse of building walls, trees shall be planted around buildings. For each five thousand (5,000) square feet of gross building area, one (1) canopy or understory tree shall be planted on the site. The minimum spacing between trees shall be forty feet (40') measured from trunk to trunk. A minimum of one (1) tree is required per site. If only one (1) tree is required, such tree shall be a canopy tree. (as added by Ord. #832, Jan. 2009, as replaced by Ord. #935, Jan. 2016)

**14-1007. Buffer strip requirements.** In order to provide separation and screening between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, a buffer strip shall be required in side and rear yards per the following requirements:

(1) Buffer strip width and location requirements. Buffer strips shall be located as follows:

- (a) 20' wide - High density residential (R-2) adjacent to agriculture (A-1);
  - (b) 20' wide - High density residential (R-2) adjacent to low-density residential (R-1 );
  - (c) 20' wide - Professional (P-1) adjacent to agriculture (A-1);
  - (d) 20' wide - Professional (P-1) adjacent to residential (R-1, R-2, R-3, TND);
  - (e) 20' wide - Local Commercial (C-4) adjacent to agriculture (A-1);
  - (f) 20' wide - Local commercial (C-4) adjacent to residential (R-1, R-2, R-3, TND);
  - (g) 30' wide - Commercial (C-3, C-5) adjacent to agriculture (A-1);
  - (h) 30' wide - Commercial (C-3, C-5) adjacent to residential (R-1, R-2, R-3, TND);
  - (i) 40' wide - Industrial (M-1, M-2) adjacent to agriculture (A-1);
- and
- (j) 40' wide - Industrial (M-1, M-2) adjacent to residential (R-1, R-2, R-3, TND).

(2) Buffer strip planting requirements. Buffer strips shall be planted as follows:

- (a) One (1) canopy tree per seven hundred twenty-five (725) square feet of buffer strip area;
- (b) One (1) understory tree per six hundred (600) square feet of buffer strip area; and
- (c) One (1) large shrub per five hundred (500) square feet of buffer area or one (1) small evergreen shrub per two-hundred fifty (250) square feet of buffer area.

Plant material may be arranged in any reasonable manner, provided the plant material is distributed throughout the entire buffer and is spaced so as to provide a natural look which will promote the long-term survival of the plant material.

Existing wooded areas may be used to fulfill the buffer strip requirements provided such wooded areas are located within and largely cover the full depth of the required buffer strip. Supplemental plantings may be required in order to equal the minimum buffer strip planting requirements.

Existing individual trees and shrubs located within a buffer strip may also be substituted for required new buffer strip plantings, provided the existing tree or shrub is healthy, is non-invasive, meets the minimum size requirements

for new plant material, and provides a significant screen. (as added by Ord. #832, Jan. 2009, as replaced by Ord. #935, Jan. 2016)

**14-1008. Overall landscaping requirements.** All plants shall comply with the following:

(1) All plants shall be native of southeast Tennessee. Plants on the list maintained by the Tennessee Exotic Pest Plant Council (TNEPPC) are prohibited. In addition, weak trees such as Bradford Pears, Silver Maples, and other similar trees are prohibited;

(2) Where multiple trees are required, no one species shall constitute more than forty-five percent (45%) of the total number of required trees for the site;

(3) A minimum of ten percent (10%) of the front yard shall be landscaped with live vegetation, such as trees, shrubs, and groundcover;

(4) Within a planned unit development, ten percent (10%) of the gross land area shall be landscaped with live vegetation, such as trees, shrubs, and groundcover; and

(5) Tree topping is prohibited. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1009. Planting size requirements.** All plants shall meet the following minimum sizes at time of planting:

(1) Deciduous shade, canopy, and understory trees shall be a minimum of a two inch (2") caliper measured at two and one-half feet (2 1/2') above grade level;

(2) Evergreen canopy and understory trees shall be a minimum of six feet (6') tall;

(3) Multi-stem trees shall be a minimum of eight feet (8') tall;

(4) Unless specified otherwise, large shrubs shall be a minimum of three feet (3') in height; and

(5) Small shrubs shall be a minimum of two feet (2') in height. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1010. Plant installation.** All landscaping materials shall be installed in a sound professional manner and according to professional accepted good planting practices. Any landscape material which fails to meet the minimum requirements at the time of installation shall be removed and replaced with acceptable materials. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1011. Utility policy.** To avoid damage to utility lines and landscape plants, all trees and shrubs should be planted outside of existing and proposed

utility easements. Where overhead power lines cross an area required by the ordinance to be planted with shade trees or canopy trees, understory trees should be substituted. In highly visible areas and where an understory tree cannot be planted, the tree(s) should be planted in the same general area where it can be seen from the street or parking lot.

No shrubs, pampas grass, or other similar vegetation should be planted within three feet (3') of a fire hydrant. No trees should be planted within five feet (5') of a fire hydrant. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1012. Bonding.** If an applicant seeks to obtain a certificate of occupancy prior to the landscaping being installed, the property owner may post an irrevocable letter of credit or bond with the city treasurer. The amount of the letter of credit or bond shall be based on material and installation costs of the uninstalled landscape material, including a ten percent (10%) contingency cost. Such cost of the landscaping shall be certified by a licensed contractor.

Upon receiving the certificate of occupancy, the remaining landscape material shall be installed within six (6) months. The letter of credit or bond shall be called if the required landscaping has not been installed by the end of the six (6) month period and the funds shall be applied to complete the landscaping work. (as added by Ord. #832, Jan. 2009, as replaced by Ord. #935, Jan. 2016)

**14-1013. Landscape maintenance.** The persons in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials. Landscaping and associated materials shall be kept in proper, neat, and orderly appearance, free of refuse and debris. All unhealthy or dead plant material shall be replaced by the next planting season. Other defective landscape material shall be replaced or repaired within three (3) months. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1014. Appeals.** Any person aggrieved by the administration, interpretation, or enforcement of this section may appeal to the board of zoning appeals within thirty (30) days of the decision imposed by the city. Decisions of the board of zoning appeals may be appealed to a court of competent jurisdiction. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1015. Conflict with other regulations and severability.** Where any requirement of this section conflicts with the requirements of another section or article, the provisions of the stricter shall apply. Should any court of

competent jurisdiction find any portion of this section to be unlawful or unconstitutional, such finding shall not affect this section as a whole or any portion of it not found invalid. (as added by Ord. #832, Jan. 2009, and replaced by Ord. #935, Jan. 2016)

**14-1016.--14-1018. Deleted.** (as deleted by Ord. #935, Jan. 2016)

## CHAPTER 11

### PAIN MANAGEMENT AND METHADONE CLINICS

#### SECTION

- 14-1101. Definitions.
- 14-1102. License required.
- 14-1103. Application for license.
- 14-1104. Standards for issuance of license.
- 14-1105. Permit required.
- 14-1106. Fees.
- 14-1107. Display of license or permit.
- 14-1108. Renewal of license or permit.
- 14-1109. Revocation of license of permit.
- 14-1110. Inspections.
- 14-1111. Penalties and prosecution.
- 14-1112. Invalidity of part.

**14-1101. Definitions.** For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Applicant." Owner of clinic who has submitted or is in the process of submitting an application.

(2) "Methadone treatment clinic or facility" means a licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Sweetwater Zoning Ordinance.

(3) "Pain management clinic" means a privately owned facility in which a full-time medical doctor and/or osteopathic physician provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve (12) month period. A pain clinic does not include a hospital, medical or dental school, nursing school, physician assistant program, outpatient clinic or hospital or clinic operated by the federal government. (as added by Ord. #882, July 2012)

**14-1102. License required.** From and after the effective date of this chapter, no methadone clinic or pain management clinic shall be operated or maintained in the City of Sweetwater without first obtaining a license to operate issued by the City of Sweetwater.

(1) A license may be issued for one (1) methadone or pain management clinic located at a fixed and certain place.

(2) No license or interest in a license may be transferred to any person, partnership, or corporation.

(3) Any existing methadone or pain management clinics at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing methadone or pain management clinic shall cease operations.

(4) No license may be issued for any location unless the premises are lawfully zoned for methadone or pain management clinics and unless all requirements of the zoning ordinance are met. (as added by Ord. #882, July 2012)

**14-1103. Application for license.** (1) Any person, partnership, or corporation desiring a license shall make application to the Police Chief of the City of Sweetwater. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

The application for a license shall be upon a form provided by the police chief. The application shall include the following information under oath:

(a) Name and address.

(b) Valid unrestricted license to operate such clinic by a board approved licensed physician to operate in the State of Tennessee.

(c) All residential addresses of the applicant(s) for the past three (3) years.

(d) Demonstrate that all applicable state requirements are met.

(e) A completed questionnaire that addresses the services offered, evaluation methods, treatment methods, the business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application, patient billing procedures, types of controlled substances that will be dispensed and standards implemented to ensure patient quality care.

(f) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(g) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(h) When applicable, proof for a dispenser of controlled substances that compliance with the Tennessee Controlled Substance Database has been met.

(2) Within ten (10) days of receiving the results of the investigation conducted by the Sweetwater Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the police chief shall make a formal recommendation to the City of Sweetwater City Council for the granting of a permit or denial of the permit. The City of Sweetwater City Council shall then consider the application at their regular meeting and make a decision on the application. Following this decision, the police chief shall advise the applicant in writing whether the application was granted or denied and the basis for the decision. All licenses shall further be held pending review/action of the board of zoning appeals.

(3) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action.

(4) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or refusal to submit required information and shall be grounds for denial thereof by the police chief. (as added by Ord. #882, July 2012)

**14-1104. Standards for issuance of license.** To receive a license to operate a methadone or pain management clinic, an applicant must meet all state licensing and certification requirements pertaining to such clinic. (as added by Ord. #882, July 2012)

**14-1105. Permit required.** In addition to the license requirements previously set forth for owners and operators of such clinics, no clinic shall begin operations without first obtaining a valid permit issued by the building inspector. (as added by Ord. #882, July 2012)

**14-1106. Fees.** The following fees shall apply to all methadone and pain management clinics within the corporate limits:

(1) A license fee of one thousand dollars (\$1,000.00) shall be submitted with the application for a license. If the application is denied, no fee shall be returned.

(2) A permit fee of two hundred dollars (\$200.00) shall be submitted with the application for a permit. If the application is denied, no fee shall be returned. (as added by Ord. #882, July 2012)

**14-1107. Display of certification, license and permit.** All applicable state certifications, medical licenses, city license and city permit shall be



displayed in a conspicuous public place in the clinic. (as added by Ord. #882, July 2012)

**14-1108. Renewal of license.** (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from date of issuance, unless revoked, and must be renewed before operation is allowed in the subsequent years.

(2) Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(3) A license renewal fee of one thousand dollars (\$1,000.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of two hundred dollars (\$200.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, no fees collected shall be returned. (as added by Ord. #882, July 2012)

**14-1109. Revocation of license or permit.** The police chief shall revoke a license or permit for any of the following reasons:

(1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(2) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter.

(3) The owner and/or operator becomes eligible to obtain the required license from the applicable board.

(4) Applicable state certification is denied or revoked.

(5) Any cost or fee required to be paid by this chapter is not paid. (as added by Ord. #882, July 2012)

**14-1110. Inspections.** Any law enforcement or code enforcement officer is authorized access to inspect any facility registered under this chapter for proof of registration, at any reasonable hour, without notice. Receipt of or application for a license to operate a pain management clinic is explicit consent to such inspection, even if same be characterized as a search and/or seizure within the meaning of the federal or state constitutions and/or federal or state criminal law or procedure. Nothing in this chapter shall be read to limit the

authority of law enforcement in any matter as relates to their authority to conduct criminal investigations. (as added by Ord. #882, July 2012)

**14-1111. Penalties and prosecution.** Any person, partnership, corporation, or other business entity that is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license. Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #882, July 2012)

**14-1112. Invalidity of part.** Should any court of competent jurisdiction declare any section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter. (as added by Ord. #882, July 2012)

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING

#### CHAPTER

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

#### CHAPTER 1

#### MISCELLANEOUS<sup>1</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. School safety patrols.
- 15-111. Driving through funerals or other processions.
- 15-112. Clinging to vehicles in motion.
- 15-113. Riding on outside of vehicles.
- 15-114. Backing vehicles.
- 15-115. Projections from the rear of vehicles.

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<sup>1</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.

- 15-116. Causing unnecessary noise.
- 15-117. Passing.
- 15-118. Damaging pavements.
- 15-119. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-120. Delivery of vehicle to unlicensed driver, etc.
- 15-121. Compliance with financial responsibility law required.
- 15-122. Use of safety belts in passenger vehicles.
- 15-123. Adoption of state traffic statutes.
- 15-124--15-125. [Deleted.]

**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. (1982 Code, § 9-101, as replaced by Ord. #806, April 2007)

**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. (1982 Code, § 9-106, as replaced by Ord. #806, April 2007)

**15-103. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1982 Code, § 9-107, as replaced by Ord. #806, April 2007)

**15-104. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1982 Code, § 9-109, as replaced by Ord. #806, April 2007)

**15-105. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle

within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1982 Code, § 9-110, as replaced by Ord. #806, April 2007)

**15-106. Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1982 Code, § 9-111, as replaced by Ord. #806, April 2007)

**15-107. Miscellaneous traffic control signs, etc.** 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. (1982 Code, § 9-112, as replaced by Ord. #806, April 2007)

**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, and shall be uniform as to type and locations throughout the city. (1982 Code, § 9-113, as replaced by Ord. #806, April 2007)

**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. (1982 Code, § 9-114, as replaced by Ord. #806, April 2007)

**15-110. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with

instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1982 Code, § 9-115, as replaced by Ord. #806, April 2007)

**15-111. 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. (1982 Code, § 9-116, as replaced by Ord. #806, April 2007)

**15-112. 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. (1982 Code, § 9-117, as replaced by Ord. #806, April 2007)

**15-113. 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. (1982 Code, § 9-118, as replaced by Ord. #806, April 2007)

**15-114. 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. (1982 Code, § 9-120, as replaced by Ord. #806, April 2007)

**15-115. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1982 Code, § 9-121, as replaced by Ord. #806, April 2007)

**15-116. 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. (1982 Code, § 9-122, as replaced by Ord. #806, April 2007)

**15-117. 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. (1982 Code, § 9-123, as replaced by Ord. #806, April 2007)

**15-118. Damaging pavements.** No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1982 Code, § 9-124, as replaced by Ord. #806, April 2007)

**15-119. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.** (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than

two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle 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, motor driven cycles, or motorized bicycles.

(3) No person operating or riding a bicycle, motorcycle, motor driven cycle or motorized bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type required in Tennessee Code Annotated, § 55-9-302.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1982 Code, § 9-125, as replaced by Ord. #806, April 2007)

**15-120. Delivery of vehicle to unlicensed driver, etc.**

(1) Definitions. (a) "Adult" shall mean any person eighteen (18) years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.



(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Drivers license" shall mean a license issued by the Tennessee Department of Safety to an individual, which authorizes the individual to operate a motor vehicle on the highways.

(e) "Juvenile" as used in this chapter shall mean a person less than eighteen (18) years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid drivers license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the City of Sweetwater unless such person has a valid drivers license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city. (1982 Code, § 9-126, as replaced by Ord. #806, April 2007)

**15-121. Compliance with financial responsibility law required.**

(1) This section shall apply to every vehicle subject to the registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision of title 15 of the Sweetwater Municipal Code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106 the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial

Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued.

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (1982 Code, § 9-119, as replaced by Ord. #806, April 2007)

**15-122. Use of safety belts in passenger vehicles.** (1) (a) No person shall operate a passenger motor vehicle on any highway, as defined in Tennessee Code Annotated, § 55-8-101(22), in this city unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(b) No person four (4) years of age or older shall be a passenger in a passenger motor vehicle on any highway, as defined in Tennessee Code Annotated, § 55-8-101(22), in this city unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(2) (a) The provisions of this section shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

(b) If the vehicle is equipped with a rear seat which is capable of folding, the provisions of this section shall only apply to front seat passengers and the operator if the back seat is in the fold down position.

(3) As used in this section, unless specified otherwise, "passenger car" or "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of eight thousand five hundred (8,500) pounds or less, that is not used as a public or livery conveyance for passengers. "Passenger

car" or "passenger motor vehicle" does not apply to motor vehicles which are not required by federal law to be equipped with safety belts.

(4) (a) A violation of this section is a civil offense punishable by a fine of up to fifty dollars (\$50.00). All proceeds from the fines imposed by this subsection (3) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible handicapped individuals as defined in Tennessee Code Annotated, § 49-11-602(3) who have been severely injured in motor vehicle accidents.

(b) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of ten dollars (\$10.00) for a first violation, and twenty dollars (\$20.00) on second and subsequent violations to the city court clerk.

(c) (i) Notwithstanding subsection (4)(b) to the contrary, a person charged with a violation of subsection (9) may, in lieu of appearance in court, submit a fine of twenty dollars (\$20.00) to the city court clerk.

(ii) Notwithstanding any provision of subsection (4)(a) to the contrary, the revenue generated by ten dollars (\$10.00) of the twenty dollar (\$20.00) fine under subsection (4)(c)(i) for a person's first conviction under subsection (9) shall be deposited in the state general fund without being designated for any specific purpose. The remaining ten dollars (\$10.00) of such twenty dollar (\$20.00) fine for such person's first conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation in accordance with subsection (4)(a).

(iii) The revenue generated from such person's second or subsequent conviction under subsection (9) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation in accordance with subsection (4)(a).

(5) No clerk's fee nor court costs, including, but not limited to, any statutory fees of officers, shall be imposed or assessed against anyone convicted of a violation of this section. No litigation tax levied pursuant to the provisions of Tennessee Code Annotated, title 67, chapter 4, part 6, shall be imposed or assessed against anyone convicted of a violation of this section.

(6) (a) A law enforcement officer observing a violation of this section shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this section.

(b) The department of safety shall not report any convictions under this section except for law enforcement or governmental purposes.

(7) In no event shall a violation of this section be assigned a point value for suspension or revocation of a license by the department of safety, nor

shall such violation be construed as any other offense under the provisions of this title.

(8) This section does not apply to:

(a) A passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt; provided, that such condition is duly certified in writing by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate;

(b) A passenger motor vehicle operated by a rural letter carrier of the United States Postal Service while performing the duties of a rural letter carrier;

(c) Salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if such dealership customarily test-drives fifty (50) or more motor vehicles a day, and if such test-drives occur within one (1) mile of the location of the dealership;

(d) Utility workers, water, gas and electric meter readers in the course of their employment;

(e) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided, that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer;

(f) A vehicle in use in a parade if operated at less than fifteen miles per hour (15 mph);

(g) A vehicle in use in a hayride if operated at less than fifteen miles per hour (15 mph); or

(h) A vehicle crossing a highway from one field to another if operated at less than fifteen miles per hour (15 mph).

(9) (a) Notwithstanding any provision of this section to the contrary, no person between sixteen (16) years of age and up to and through the age of seventeen (17) years of age, shall operate a passenger motor vehicle, or be a passenger therein, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(b) Notwithstanding subsection (2)(a), the provisions of this subsection (9) shall apply to all occupants between sixteen (16) years of age and eighteen (18) years of age occupying any seat in a passenger motor vehicle.

(c) Notwithstanding subsection (6)(a), a law enforcement officer observing a violation of this subsection (9) shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this subsection (9).

(10) Notwithstanding the provisions of subsection (2), no person with a learner permit or an intermediate driver license shall operate a passenger motor vehicle in this city unless such person and all passengers between the ages of four (4) and seventeen (17) years of age are restrained by a safety belt

at all times the vehicle is in forward motion. (as replaced by Ord. #806, April 2007)

**15-123. Adoption of state traffic statutes.** By the authority granted under Tennessee Code Annotated, § 16-18-302, the City of Sweetwater adopts by reference as if fully set forth in this section, the “Rules of the Road,” as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the City of Sweetwater adopts Tennessee Code Annotated, §§ 55-4-101 through 55-4-128, §§ 55-4-130 through 55-4-133, §§ 55-4-135 through 55-4-138, §§ 55-8-181 through 55-8-191, § 55-8-193, § 55-8-199, §§ 55-9-202, §§ 55-9-401 through 55-9-408, §§ 55-9-601 through 55-9-606, § 55-12-139, and § 55-50-351, by reference as if fully set forth in this section. (as replaced by Ord. #806, April 2007, and Ord. #992, Nov. 2021 *Ch7\_02-07-22*)

**15-124.** [Deleted.] (as deleted by Ord. #806, April 2007)

**15-125.** [Deleted.] (as deleted by Ord. #806, April 2007)

## 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. (1982 Code, § 9-102)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. (1982 Code, § 9-103, as replaced by Ord. #806, April 2007)

**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 (500) feet or drive or park any vehicle

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<sup>1</sup>Municipal code reference

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

within the block where fire apparatus has stopped in answer to a fire alarm. (1982 Code, § 9-104)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1982 Code, § 9-105)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-305. Regulation of speed by traffic signals.

**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. (1982 Code, § 9-201)

**15-302. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1982 Code, § 9-202)

**15-303. In school zones.** Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the mayor and board of aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1982 Code, § 9-203, 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. (1982 Code, § 9-204)



**15-305. Regulation of speed by traffic signals.** The chief of police is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof. (1982 Code, § 9-205)

## CHAPTER 4

### TURNING MOVEMENTS

#### SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1982 Code, § 9-301)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1982 Code, § 9-302)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1982 Code, § 9-303)

**15-404. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1982 Code, § 9-304)

**15-405. U-turns.** U-turns are prohibited. (1982 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

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

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1982 Code, § 9-401)

**15-502. When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1982 Code, § 9-402)

**15-503. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1982 Code, § 9-403)

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<sup>1</sup>Municipal code reference

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

**15-504. At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1982 Code, § 9-404)

**15-505. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1982 Code, § 9-405)

**15-506. At "yield" signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1982 Code, § 9-406)

**15-507. At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

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

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

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

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway.

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

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway.

(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.

(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. (1982 Code, § 9-407)

**15-508. At flashing traffic-control signals.** (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(a) 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. (1982 Code, § 9-408)

**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. (1982 Code, § 9-409)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 55-8-143.

## CHAPTER 6

### PARKING

#### SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

**15-601. Generally.** No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

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

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1982 Code, § 9-501)

**15-602. Angle parking.** On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1982 Code, § 9-502)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1982 Code, § 9-503)

**15-604. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection or within fifteen (15) feet thereof.
4. Within fifteen (15) feet of a fire hydrant.
5. Within a pedestrian crosswalk.
6. Within fifty (50) feet of a railroad crossing.
7. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
8. Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
9. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
10. Upon any bridge.
11. Alongside any curb painted yellow or red by the city.
12. In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is
  - a. Physically handicapped, or
  - b. Parking such vehicle for the benefit of a physically handicapped person.

A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21. (1982 Code, § 9-504, modified)

**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. (1982 Code, § 9-505)

**15-606. Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1982 Code, § 9-506)



## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Deposit of license in lieu of bail.
- 15-707. Illegal cancellation of traffic citations.
- 15-708. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1982 Code, § 9-701)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1982 Code, § 9-702)

**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. (1982 Code, § 9-704)

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<sup>1</sup>State law reference

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

**15-704. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until otherwise lawfully disposed of. The fee for impounding a vehicle shall be forty dollars (\$40.00) and the storage cost shall be ten dollars (\$10.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1982 Code, § 9-705, modified)

**15-705. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1982 Code, § 9-706)

**15-706. Deposit of license in lieu of bail.** (1) Whenever any person lawfully possessed of a driver's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic, except those ordinances and statutes the violation of which call for the mandatory revocation of a driver's license for any period of time, within the corporate limits of the City of Sweetwater or the jurisdiction of its law enforcement agencies, such person shall have the option of depositing his driver's license with the officer or court demanding bail in lieu of any other security required for his appearance in any court of the City of Sweetwater in answer to such charge before the court.

(2) Whenever any person deposits his driver's license as provided, either the officer or the court demanding bail shall issue the person a receipt for said license upon a form approved or provided by the Department of Safety, and thereafter said person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited.

(3) The clerk or judge of the court accepting the license shall thereafter forward to the Department of Safety the license of a driver deposited in lieu of bail if the driver fails to appear and answer to the charge filed against him and which license shall not be released by the Department of Safety until the charge for which such license was so deposited has been disposed of by the court in which pending.

(4) The provisions of this section are in addition to any other provisions of the municipal code and are implemented as an alternative procedure to the other provisions of the code for the purpose of securing the appearance of defendants cited for violations of the municipal code. (as replaced by Ord. #806, April 2007)

**15-707. Illegal cancellation of traffic citations.** It shall be unlawful for any person to solicit the cancellation of any traffic citation in any manner other than as provided in this chapter. (1982 Code, § 9-703)

**15-708. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows:

1. Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

2. Parking violations excluding handicapped parking. For other parking violations, excluding handicapped parking violations, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the city recorder a fine of ten dollars (\$10.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days but before a warrant is issued for his arrest, his civil penalty shall be twenty-five dollars (\$25.00).

3. Handicapped parking. Parking in a handicapped parking space shall be punishable by a civil penalty of fifty dollars (\$50.00).<sup>1</sup>

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<sup>1</sup>State law reference

Unauthorized use of disabled parking or placard--violations--penalties:  
Tennessee Code Annotated, § 55-21-108.

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. ACCEPTANCE OF PUBLIC STREETS.
4. UTILITIES.
5. TREES AND LANDSCAPING.
6. PROPERTY NUMBERING.
7. STANDARDS FOR SMALL WIRELESS COMMUNICATION.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Permit for road connections, etc.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. Provided, however, that the chief of police may give written permission to obstruct the street when necessary for construction purposes provided adequate safety measures are provided to protect people traveling on the street. (1982 Code, § 12-101)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**16-102. Trees projecting over streets, etc., regulated.**<sup>1</sup> It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1982 Code, § 12-102)

**16-103. Trees, etc., obstructing view at intersections prohibited.**<sup>1</sup> It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1982 Code, § 12-103)

**16-104. Projecting signs and awnings, etc., restricted.** Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of § 14-409 and the building code.<sup>2</sup> (1982 Code, § 12-104, modified)

**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 mayor and board of commissioners after a finding that no hazard will be created by such banner or sign. (1982 Code, § 12-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1982 Code, § 12-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk, or public grounds, any refuse, glass, tacks, mud, intoxicating liquor containers, grass, leaves, 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. (1982 Code, § 12-107, modified)

**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. (1982 Code, § 12-108)

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<sup>1</sup>Municipal code reference

Trees over sidewalks and obstructing intersections: § 16-413.

<sup>2</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1982 Code, § 12-109)

**16-110. Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. No permit shall be issued unless applied for no later than 10 days prior to the proposed date of the parade and unless approved by the city recorder, the chief of police, and the street superintendent. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. This section shall not apply to single individuals who wish to peacefully deliver unamplified speech or written materials on sidewalks or to small groups that use public property, such as parks, where their activity does not interfere with vehicular traffic. (1982 Code, § 12-110, as amended by Ord. #578, Dec. 1985, and Ord. #956, Jan. 2018)

**16-111. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle, bicycle or skateboard across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1982 Code, § 12-111, as amended by Ord. #650, Feb. 1993)

**16-112. 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. (1982 Code, § 12-112)

**16-113. Permit for road connections, etc.** It shall be unlawful for any person to construct or connect any new street, road, or way onto or into any existing city street, road, or way before obtaining a permit from the city building and property inspector. There shall be no charge for the permit.

An application for a permit under this section shall be first approved by the city road superintendent and the city planning commission. The permit

shall be withheld or denied only for the reason that the proposed construction would result in a health or safety hazard or create an unsafe condition. (1982 Code, § 12-113)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

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

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1982 Code, § 12-201)

**16-202. Applications.** Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

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<sup>1</sup>State law reference

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



to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1982 Code, § 12-202)

**16-203. Fee.** The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1982 Code, § 12-203)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder or street superintendent may increase the amount of the deposit to an amount considered adequate to cover the said cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1982 Code, § 12-204, modified)

**16-205. Manner of excavating--barricades and lights--temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1982 Code, § 12-205)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this 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 promptly upon the completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the

recorder or street superintendent 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. (1982 Code, § 12-206)

**16-207. Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$250,000 for each person and \$600,000 for each accident, and for property damages not less than \$85,000 for any one (1) accident. (1982 Code, § 12-207, modified)

**16-208. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the 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 recorder or street superintendent. (1982 Code, § 12-208)

**16-209. Supervision.** The street superintendent or building inspector shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1982 Code, § 12-209)

**CHAPTER 3****ACCEPTANCE OF PUBLIC STREETS****SECTION**

16-301. Acceptance of streets.

**16-301. Acceptance of streets.** No street, road, or way shall henceforth be accepted as a public street by the street department of the City of Sweetwater, Tennessee, unless its location and width of right-of-way has been approved by the municipal planning commission and unless its condition meets the standards established by the planning commission for all new streets within the corporate limits. (1982 Code, § 12-301)

## CHAPTER 4

### UTILITIES

#### SECTION

16-401. No utilities to be laid in unaccepted streets.

16-402. No utilities to be laid outside corporate limits.

**16-401. No utilities to be laid in unaccepted streets.** No department or board of the city shall lay or permit to be laid or connected any water, sewer, gas, or electric line in any street, road, way, or within a designated easement for said utilities not accepted as a public street by the street department. (1982 Code, § 12-302, modified)

**16-402. No utilities to be laid outside corporate limits.** No department or board of the city shall lay or permit to be laid or connected to the public utilities of Sweetwater any water, sewer, gas, or electric line in any street, road, or way henceforth opened outside the corporate limits without approval by the municipal planning commission. In determining the designation of an approved street, the standards established by the municipal planning commission for streets outside the corporate limits shall apply. (1982 Code, § 12-304, modified)

## CHAPTER 5

### TREES AND LANDSCAPING

#### SECTION

- 16-501. Purpose and intent.
- 16-502. Tree board.
- 16-503. Terms of office.
- 16-504. Operations.
- 16-505. Duties and responsibilities.
- 16-506. Compensation.
- 16-507. Street tree species to be planted.
- 16-508. Spacing.
- 16-509. Distance from curb and sidewalk.
- 16-510. Utilities.
- 16-511. Public tree care.
- 16-512. Tree topping.
- 16-513. Trees projecting over streets and sidewalks, and trees etc., obstructing the view at intersections.
- 16-514. Dead or diseased tree removal on private property.
- 16-515. Removal of stumps.
- 16-516. Interference with city tree board.
- 16-517. Right to appeal decision of city tree board.
- 16-518. Violation.

**16-501. Purpose and intent.** The purpose and intent of this chapter is to encourage the conservation, protection, and management of trees on public property within the City of Sweetwater because of the unique benefits they provide the community in assisting the natural control of solar heat, soil conservation, flood control, air pollution and noise; in providing a haven for birds and wildlife; in providing citizens with relief from aesthetic degradation of the man-made environment; in helping to increase the economic appeal of a community; and encouraging proper species planting, maintenance and care of trees and shrubs on private property. (Ord. #717, July 2000)

**16-502. Tree board.** There shall be created a Tree Board for the City of Sweetwater, consisting of eleven (11) members to be nominated by the mayor and approved by the board of commissioners. This board shall consist of a representative from the Sweetwater Utility Board, a representative from the parks and recreation department, a representative from the code enforcement office and eight(8) private citizens. (Ord. #717, July 2000, as amended by Ord. #763, Nov. 2003, and Ord. #905, Sept. 2013)

**16-503. Terms of office.** The representatives from the Sweetwater Utility Board, the parks and recreation department, and the code enforcement office shall be named and elected by the mayor and board of commissioners at its organizational meeting following city elections and will serve until the next such meeting. The terms of the established six (6) private citizen members of the tree board shall remain the same. In order to effect the terms of this section, the mayor and board of commissioners shall, no later than its next regular meeting following of the ordinance comprising this section, elect two (2) more private citizen members of the tree board. Their terms shall be retroactive to July 1, 2013, one for an initial period of one (1) year and the other for an initial period of two (2) years as the mayor and board of commissioners shall designate. Upon expiration of these initial terms, each such member shall be nominated and elected to serve a four (4) year term thereafter on a regular cycle. All eleven (11) members of the tree board may succeed themselves in office and there shall be no limitation on the number of terms an individual may serve. (Ord. #763, Nov. 2003, as replaced by Ord. #905, Sept. 2013)

**16-504. Operation.** The tree board shall choose its own officers, make its own rules and regulations and keep a record of its proceedings. (Ord. #717, July 2000)

**16-505. Duties and responsibilities.** The duties of the tree board shall include, but not be limited to the following:

1. Prepare a tree plan for the community.
2. Coordinate tree-related activities.
3. Conduct an Arbor Day ceremony.
4. Provide tree information to the community.
5. Maintain a recommended tree list for the community.
6. Recognize groups and individuals completing tree projects.
7. Coordinate publicity concerning trees and tree programs.
8. Coordinate donations of trees or money to purchase trees.
9. Adopt rules and regulations pertaining to the tree program.
10. Perform other tree related duties and opportunities that arise from time to time.
11. Recommend any ordinances to the mayor and board of commissioners that the tree board finds appropriate. (Ord. #717, July 2000)

**16-506. Compensation.** The tree board will serve without compensation. (Ord. #717, July 2000)

**16-507. Street tree species to be planted.** The tree board will compile a tree species list that will include three species size classes; small, medium and large. (Ord. #717, July 2000)

**16-508. Spacing.** The spacing of street trees will be in accordance with the three species size classes recommended by the tree board, and no trees may be planted closer together than the following; small trees, twenty (20) feet; medium trees, thirty (30) feet; large trees forty (40) feet, except in special plantings designed or approved by the tree board. (Ord. #717, July 2000)

**16-509. Distance from curb and sidewalk.** The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes recommended by the Sweetwater Tree Board. No trees may be planted closer to any curb or sidewalk according to the following specifications: small trees, two (2) feet; medium trees, four (4) feet; large trees six (6) feet. (Ord. #717, July 2000)

**16-510. Utilities.** No street trees other than those species listed as small trees in the Sweetwater Tree Board's tree list may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within ten (10) lateral feet of any underground water line, sewer line, transmission line or other utility. (Ord. #717, July 2000)

**16-511. Public tree care.** The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the property lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City of Sweetwater may remove, cause, or order to be removed, any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with §§ 16-507 and 16-510 of this chapter. Provided: Nothing contained in this section shall relieve the owner of abutting property of the responsibility to prune, maintain, and remove trees lying within the right-of-way of the street. (Ord. #717, July 2000)

**16-512. Tree topping.** Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. It shall be unlawful as a normal practice for any person firm or city department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or related causes; certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter. (Ord. #717, July 2000)

**16-513. Trees projecting over streets and sidewalks, and trees, etc., obstructing the view at intersections.**<sup>1</sup> It shall be unlawful for any property owner or occupant to allow any tree limbs on his property to project over any street or alley at a height of less than fourteen (14) feet, or over any sidewalk at a height of less than eight (8) feet. It shall be unlawful for any property owner or occupant to have or to maintain on his property any tree, shrub, sign, or obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. These obstructions shall not reach a mature height above two (2) feet. No street trees shall be planted closer than ten (10) feet of any fireplug. Property owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. In the event of failure of the owners to comply with such provisions, the city shall have the authority to remove such trees, and the whole cost thereof, plus 15% for inspection and other incidental costs in connection therewith, shall be paid by the owner or owners of said lot or parcel of land, and said costs shall be billed to the owner or owners of the property. If the bill is not fully paid within one hundred twenty (120) days after the mailing of said bill, a ten-percent (10%) penalty shall be added, and it shall be placed on the tax roll of the City of Sweetwater as a lien upon the property and collected in the same manner as other city taxes are collected. (Ord. #717, July 2000)

**16-514. Dead or diseased tree removal on private property.** The city shall have the right to cause the removal of any trees that are dead or diseased on private property within the city when such trees constitute a hazard to life and property.

The city shall determine which tree or trees are to be removed. The owner of the trees will be notified in writing of such proposed removal stating the reason for the removal and the location of said tree or trees to be removed. If the owner desires to contest the removal of said tree or trees, he shall, within ten (10) days from the date of notice, request in writing, a hearing before the city. If it is determined after said hearing that said tree or trees are to be removed, the removal shall be done by said owners at the owner's expense within sixty (60) days after the date of the decision to remove. In the event the owner fails to comply with such order to remove, the city shall then proceed to remove said tree or trees, and to charge removal costs to the owner of the property as provided in § 16-513. (Ord. #717, July 2000)

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<sup>1</sup>Municipal code references

Trees over streets etc.: § 16-102.

Trees obstructing intersections: § 16-103.



**16-515. Removal of stumps.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Ord. #717, July 2000)

**16-516. Interference with city tree board.** It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while they are involved in carrying out the duties authorized in this chapter. (Ord. #717, July 2000)

**16-517. Right to appeal decision of city tree board.** Any party shall have a right to appeal the decision of the city tree board. If the owner does wish to contest the decision of the city tree board, he shall, within ten (10) days from the date of the hearing before the city tree board, request in writing, a hearing before the city commission for a review and/or hearing on said decision. (Ord. #717, July 2000)

**16-518. Violation.** The violation of any provision of this chapter is declared to be a misdemeanor. (Ord. #717, July 2000)

## CHAPTER 6

### PROPERTY NUMBERING

#### SECTION

- 16-601. Property numbering.
- 16-602. Structure marking.
- 16-603. Time limits.

**16-601. Property numbering.** That the City of Sweetwater hereby adopts the numbering system in current use by E-911, and that such shall be the official property designation within the limits of the City of Sweetwater. (Ord. #683, July 1996)

**16-602. Structure marking.** Every owner of property improved by a building or structure of any nature within the City of Sweetwater shall cause to be placed on the structure or between the structure and the public thoroughfare, the numbers contained in the street address of the property, arranged in the either vertical or horizontal fashion of such a size and at such a location that they are visible and legible from the public thoroughfare, and clearly indicate the structure which they indicate. Such numbers shall be in the arabic style of common usage, and roman numbers or written numbers shall not be used. (Ord. #683, July 1996)

**16-603. Time limits.** Property owners shall have a period of sixty (60) days in which to comply with the requirements of this chapter, and thereafter each day that they fail to comply may be considered as a separate offense. Newly constructed structures shall be required to comply with this requirement within sixty (60) days after completion of the building. (Ord. #683, July 1996)

## CHAPTER 7

### STANDARDS FOR SMALL WIRELESS COMMUNICATION

#### SECTION

- 16-701. Definitions.
- 16-702. Purpose and scope.
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**16-701. Definitions.** The following definitions are strictly intended for the purpose of the wireless communication provisions herein. Where definitions duplicate or conflict with other city code or zoning code definitions, the following definitions shall apply to small wireless communication applications only.

(1) "Aesthetic plan" means any publicly available written resolution, regulation, policy, site plan, or approved plat establishing generally applicable aesthetic requirements within the city or designated area within the city. An aesthetic plan may include a provision that limits the plan's application to construction or deployment that occurs after adoption of the aesthetic plan. For purposes of this part, such a limitation is not discriminatory as long as all construction or deployment occurring after adoption, regardless of the entity constructing or deploying is subject to the aesthetic plan.

(2) "Administrative review" means ministerial review of an application by the authority relating to the review and issuance of a permit, including review by the appropriate city administration, department of planning, development and tourism, street department and Sweetwater Utility Board staff to determine whether the issuance of a permit is in conformity with the applicable provisions of this chapter and compatible with existing and planned utilities.

(3) "Antenna" means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of wireless services. This definition does not apply to broadcast antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

(4) "Applicable codes" means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the authority, including any amendments adopted by the authority, or otherwise are applicable in the jurisdiction.

(5) "Applicant" means any person who submits an application under this chapter.

(6) "Application" means a written request, on a form provided by the authority, for a permit to deploy or colocate small wireless facilities in the public ROW.

(7) "Authority" means the city of or any agency, subdivision or any instrumentality thereof.

(8) "Batch application" means applications for multiple facilities submitted simultaneously by a single provider.

(9) "City" means the City of Sweetwater or any agency, subdivision or any instrumentality thereof.

(10) "Colocate" means to install or mount a small wireless facility in the public ROW on an existing support structure, an existing tower, or on an existing pole/PSS to which a small wireless facility is attached at the time of the application. "Colocation" has a corresponding meaning.

(11) "Communications facility" means, collectively, the equipment at a fixed location or locations within the public ROW that enables communications services, including: (a) radio transceivers, antennas, coaxial fiber-optic or other cabling, power supply (including backup battery), wireless facilities, and comparable equipment, regardless of technological configuration; and (b) all other equipment associated with any of the foregoing. A communications facility does not include the pole/PSS, tower or support structure to which the equipment is attached.

(12) "Communications service" means "cable service" as defined in 47 U.S.C. § 522(6), "broadband service" as defined in 47 U.S.C. § 153(24), or "telecommunications service" as defined in 47 U.S.C. § 153(53).

(13) "Communications service provider" means a "cable operator" as defined in 47 U.S.C. § 522(5), a "telecommunications carrier" as defined in 47 U.S.C. § 153(51), a "provider of information service" as defined in 47 U.S.C. § 153(24), a "video service provider" as defined in Tennessee Code Annotated, § 7-59-303, or a wireless provider.

(14) "Decorative pole" means a pole that is specially designed and placed for aesthetic purposes.

(15) "Discretionary review" means review of an application by the authority relating to the review and issuance of a permit that is other than an administrative review.

(16) "Facility height" means the height of a PSS, in combination with associated wireless facility, shall be the vertical distance from the highest point of the wireless facility and its PSS to either: (a) the surface grade at the base of the PSS; or (b) the surface grade of the nearest adjacent street, whichever is higher.

(17) "Fee" means a one (1) time, non-recurring charge.

(18) "FCC" means the Federal Communications Commission of the United States.

(19) "Historic district" means a property or area zoned as a historic district or zone pursuant to Tennessee Code Annotated, § 13-7-404.

(20) "Laws" mean, collectively, any and all federal, state, or local law, statute, common law, code, rule, regulation, order or ordinance.

(21) "Ordinary maintenance and repair" means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a communications facility and/or the associated support structure or pole/PSS, that does not require blocking, damaging or disturbing any portion of the public ROW.

(22) "Period light" means a style of lighting fixture designed to replicate the style of light used in the city's downtown historic district while also meeting the city's standards for illumination.

(23) "Permit" means a written authorization (in electronic or hard copy format) to install, at a specified location(s) in the public ROW, a communications facility, tower or a pole to support a communications facility.

(24) "Permittee" means an applicant that has received a permit under this chapter.

(25) "Person" means an individual, corporation, limited liability company, partnership association, trust, or other entity or organization, including a governmental entity.

(26) "Pole" means a legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within the public right-of-way. A "pole" does not include a tower and does not include a structure that supports electric transmission lines.

(27) "Potential support structure for a small wireless facility" or "PSS" means a pole or other structure used for wireless communications, electric distribution, lighting, traffic control, signage, or a similar function, including poles installed solely for the colocation of a small wireless facility. When "PSS" is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to collocate on, modify, or replace the PSS until an application is approved and all requirements are satisfied pursuant to this part.

(28) "Provider" means a communications service provider or a wireless services provider, and includes any person that owns and/or operates within the public ROW any communications facilities, wireless facilities, poles built for the sole or primary purpose of supporting communications facilities, or towers.

(29) "Public right-of-way" or "public ROW" means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this chapter shall include public utility easements, but only to the extent the authority has the authority to permit use of the area or public utility easement for communications facilities or poles, towers and support structures that

support communications facilities. The term does not include a federal interstate highway.

(30) "Public utility easement" means, unless otherwise specified or restricted by the terms of the easement, the area on, below, or above a property in which the property owner has dedicated an easement for use by utilities. "Public utility easement" does not include an easement dedicated solely for authority use or where the proposed use by the provider is inconsistent with the terms of any easement granted to the authority.

(31) "Replace" or "replacement" means, in connection with an existing pole, support structure, to replace (or the replacement of) same with a new structure, substantially similar in design, size and scale to the existing structure and in conformance with this chapter and any other applicable authority code, in order to address limitations of the existing structure to structurally support collocation of a communications facility.

(32) "Small wireless facility" means a wireless facility that meets both of the following qualifications: (a) each antenna could fit within an enclosure of no more than six (6) cubic feet in volume; and (b) all other wireless equipment associated with the antenna, including the provider's preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume regardless of whether the facility is ground-mounted or pole-mounted. For purposes of this section "other wireless equipment" does not include an electric meter concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services; and "small wireless facility" includes a micro wireless facility.

(33) "Staff" means employees of the City of Sweetwater responsible for the administration of requests associated with this chapter.

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

(35) "Support structure" means a structure in the public ROW to which a wireless facility is attached at the time of the application.

(36) "TDOT" means the Tennessee Department of Transportation.

(37) "Tower" means an structure in the public ROW built for the sole or primary purpose of supporting a wireless facility. A tower does not include a pole or a support structure.

(38) "Wireless facility" means the equipment at a fixed location or locations in the public ROW that enables wireless services. The term does not include:

(a) The support structure, tower or pole on, under, or within which the equipment is located or collocated; or

(b) Coaxial, fiber-optic or other cabling that is between communications facilities or poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. A small wireless facility is one (1) type of a "wireless facility."

(39) "Wireless services" means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

(40) "Wireless services provider" means a person who provides wireless services. (as added by Ord. #976, Sept. 2019 *Ch7\_02-07-22*)

**16-702. Purpose and scope.** (1) The purpose of this chapter is to provide policies and procedures for the placement of small wireless facilities upon property-permitted facilities within covered areas of the City of Sweetwater.

(2) It is the intent of this chapter to establish uniform standards including, but not limited to:

(a) Prevention of interference with the use of streets, sidewalks, alleys, traffic or light poles and other public ways and places;

(b) Prevention of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;

(c) Prevention of interference with other facilities and operations of facilities lawfully located in covered areas or public property;

(d) Preservation of the character of neighborhoods where facilities are installed;

(e) Preservation of the character of historic structures, or historic areas including, but not limited to, structures or areas listed on the National Register of Historic Places or locally designated historic districts; and

(f) Facilitation of the rapid deployment of small wireless facilities to provide the citizens with the benefits of advanced wireless services. (as added by Ord. #976, Sept. 2019 *Ch7\_02-07-22*)

**16-703. Permitted use, application requirements, and fees.**

(1) Permitted use. The following uses within the Public ROW shall be permitted uses. (a) Colocation of a small wireless facility that conforms with all standards including the design standards of § 16-705(1)(c).

(b) Modification of a NS/pole or support structure or replacement of a pole for colocation of a communications facility where the modification or replacement conforms with all standards including the design standards of § 16-705(1)(c).

(c) New PSS/poles that receive, proper administrative approval and conform with all standards including the design standards of § 16-705(1)(c).

(d) Construction of a communications facility, other than those set forth in this chapter, involving the installation of coaxial, fiber-optic or other cabling, that is installed underground or aboveground between two (2) or more existing PSS/poles or an existing PSS/pole and an existing

tower and/or existing support structure, and related equipment and appurtenances.

(2) Permit required. No person may construct, install, and/or operate wireless facilities that occupy the right-of-way without first filing an application and obtaining a small wireless facility permit from the city. Any small wireless facility permit shall be reviewed, issued and administered in a non-discriminatory manner, shall be subject to such reasonable conditions as the city may from time to time establish for effective management of the right-of-way, and otherwise shall conform to the requirements of this chapter and applicable law.

(3) Compliance with permit. (a) Policies and procedures. The city is authorized to establish such written policies and procedures consistent with this chapter, as the city reasonably deems necessary for the implementation of this chapter.

(b) Police powers. The city, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the city under applicable federal, state and local laws and regulations. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications. The authority and its representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements. All work that does not comply with the permit, the approved plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee. The authority may stop work in order to assure compliance with the provisions of this chapter.

(4) Emergency work. Notwithstanding the foregoing, in the event of an emergency, a provider or its duly authorized representative may work in the public ROW prior to obtaining a permit, provided that the provider shall attempt to contact the authority prior to commencing the work and shall apply for a permit as soon as reasonably possible, but not later than the next business day after commencing the emergency work. For purposes of this subsection, an "emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

(5) Effect of permit. A permit from the authority authorizes an applicant to undertake only the activities in the public ROW specified in the application and permit and in accordance with this chapter and any general conditions included in the permit. Unless otherwise expressly stated, a permit does not authorize attachment to or use of existing PSS/poles, towers, support structures or other structures in the public ROW; a permittee or provider must obtain all necessary approvals from the owner of any PSS/pole, tower, support structure or other structure prior to any attachment or use. A permit does not



create a property right or grant authority to the applicant to interfere with other existing uses of the public ROW.

(6) Other permits needed. In addition to obtaining a permit for installation of a communications facility, PSS/poles built for the sole or primary purpose of supporting communications facilities, or towers in the public ROW, an applicant must obtain all other required permits, including, but not limited to: building permits, electrical permits, TDOT permits, etc.

(7) No substitute for other required permissions. No small wireless facility permit includes, means or is, in whole or in part, a substitute for any other permit or authorization required by the laws and regulations of the city for the privilege of transacting and carrying on a business within the city or any permit or agreement for occupying any other property of the city.

(8) No waiver. The failure of the city to insist on timely performance or compliance by any permittee holding a small wireless facility permit shall not constitute a waiver of the city's right to later insist on timely performance or compliance by that permittee or any other permittee holding such small wireless facility permit. The failure of the city to enforce any provision of this chapter on any occasion shall not operate as a waiver or estoppel of its right to enforce any provision of this chapter on any other occasion, nor shall the failure to enforce any prior ordinance or city charter provision affecting the right-of-way, any wireless facilities, or any user or occupant of the right-of-way act as a waiver or estoppel against enforcement of this chapter or any other provision of applicable law.

(9) Safe condition. The provider shall, at its sole cost and expense, keep and maintain its communications facilities, PSS/poles, support structures and towers in the public ROW in a safe condition, and in good order and repair. If the authority determines communications facilities are in disrepair or the appearance is not kept in a satisfactory manner, the authority may require maintenance or removal of the communications facilities.

(10) Permit duration. Any small wireless facility permit for construction issued under this chapter shall be valid for a period of ninety (90) days after issuance, provided that the ninety (90) day period may be extended for up to an additional nine (9) months upon written request of the applicant (made prior to the end of the initial ninety (90) day period) if the failure to complete construction is as a result of circumstances beyond the reasonable control of the applicant.

(11) Ordinary maintenance and repair. A small wireless facility permit shall not be required for ordinary maintenance and repair. The provider or other person performing the ordinary maintenance and repair shall obtain any other permits required by applicable laws and shall notify the authority in writing at least ten (10) business days prior to performing the ordinary maintenance and repair.

(12) Small wireless facility permit applications required information.  
The application shall be made by the provider or its duly authorized representative and shall contain the following:

(a) The applicant's name, address, telephone number, and e-mail address, including emergency contact information for the applicant.

(b) The names, addresses, telephone numbers and e-mail addresses of all consultants, contractors and subcontractors, if any, acting on behalf of the applicant with respect to the filing of the application or who may be involved in doing any work on behalf of the applicant.

(c) A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of this chapter. The applicant shall state whether the applicant believes the proposed work is subject to administrative review or discretionary review.

(d) A site plan for each proposed location with a diagram or engineering drawing depicting the design for installation of the small wireless facility with sufficient detail for the city to determine that the design of the installation and any new PSS or an modification of a PSS is consistent with all generally applicable safety and design requirements, including the requirements of the Manual on Uniform Traffic Control Devices.

(e) The location of the site(s), including the latitudinal and longitudinal coordinates of the specific location of the site(s) using WGS84 as the coordinate system of reference with coordinates specified in decimal degrees to no less than three (3) significant digits or provide digitized spatial data (shape tiles) of the exact point of the proposed location.

(f) If applicable, the identification of any third party upon whose PSS the applicant intends to collocate and a copy of the authorization for use of the property from the PSS/pole, tower or support structure owner on or in which the communications facility will be placed or attached. If authorization is not complete at time of application, the application may proceed; however, the authorization information shall be provided within the given application review time and before final approval can be issued.

(g) The applicant's identifying information and the identifying information of the owner of the small wireless facility, and certification by the applicant or the owner that such person agrees to pay applicable fees and rates, repair damage, and comply with all nondiscriminatory, and generally applicable public ROW requirements for deployment of an associated infrastructure that is not a small wireless facility and the contact information for the party that will respond in the event of an emergency related to the small wireless facility.

(h) The applicant's certification of compliance with surety bond, insurance or indemnification requirements (as set forth in §§ 16-705(3)(h) and 16-705(3)(i)); rules requiring maintenance of infrastructure deployed in the public ROW; rules requiring relocation or timely removal of infrastructure in the public ROW no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in the public ROW under emergency conditions (as set forth in §§ 16-703(4) and 16-705(3)(f)), if any, that the city imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in the public ROW no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in the public ROW under emergency conditions, if any, that the city imposes on a general and nondiscriminatory basis upon entities that are entitled to deploy infrastructure in the public ROW.

(i) The applicant's certification that the proposed site plan and design plans meet or exceed all applicable engineering, materials, electrical, and safety standards, including all standards related to the structural integrity and weight-bearing capacity of the PSS/pole and small wireless facility. Those standards relevant to engineering must be certified by a licensed professional engineer.

(j) To the extent the proposed facility involves collocation on a PSS/pole, tower or support structure, a structural report performed by a duly licensed engineer evidencing that the PSS/pole, tower or support structure will structurally support the collocation (or that the PSS/pole, tower or support structure will be modified to meet structural requirements) in accordance with applicable codes.

(k) A statement that all wireless facilities shall comply with all applicable codes.

(l) Detailed construction drawings regarding the proposed facility; and

(m) For any new aboveground facilities, accurate visual depictions or representations, if not included in the construction drawings.

(13) Proprietary or confidential information in application. Applications are public records that may be made publicly available pursuant to the Tennessee Public Records Act (Tennessee Code Annotated, §§ 10-7-101, et seq.). Notwithstanding the foregoing, applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each portion of such materials accordingly, and the authority shall treat the information as proprietary and confidential, subject to the Tennessee Public Records Act (Tennessee Code Annotated, §§ 10-7-101, et seq.). The authority's determination that the applicant's request for confidential or proprietary treatment of application materials is reasonable. The authority shall not be

required to incur any costs to protect the application materials from disclosure, other than the authority's routine procedures for complying with the Tennessee Public Records Act (Tennessee Code Annotated, §§ 10-7-101, et seq.).

(14) Batch application. An applicant may simultaneously submit an application for multiple small wireless facilities in a single application. A batch application may include not more than twenty (20) applications for small wireless facilities, or may file a single, consolidated permit application covering such communications facilities, provided that the proposed communications facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the authority. If the applicant files a consolidated application, the applicant shall pay the application fee as stated in § 16-703(20)(b) batch applications require a pre-application meeting with the city planner.

(15) Multiple permit applications at same location. If the city receives multiple applications seeking to deploy or colocate small wireless facilities at the same location in an incompatible manner, then the city may deny the later filed application.

(16) Approval or denial of application; response time. The city responds to the applications for permit per the timelines prescribed in federal law and in Tennessee Code Annotated, § 13-24-409(b), as may be amended, regarding the approval or denial of applications, and the city shall respond to applications per the specific requirements of Tennessee Code Annotated, § 13-24-409(b)(3), as may be amended. The city reserves the right to require a surcharge as indicated in Tennessee Code Annotated, § 13-24-409(b)(7)(F)(i), as may be amended, for high-volume applicants.

(17) Bridge and/or overpass special provision. (a) If the applicant's site plan includes any colocation design that includes attachment of any facility or structure to a bridge or overpass, then the applicant must designate a safety contact. After the applicant's construction is complete, the applicant shall provide to the safety contact a licensed professional engineer's certification that the construction is consistent with the applicant's approved design, that the bridge or overpass maintains the same structural integrity as before the construction and installation process, and that during the construction and installation process neither the applicant nor its contractors have discovered evidence of damage to or deterioration of the bridge or overpass that compromises its structural integrity. If such evidence is discovered during construction, then the applicant shall provide notice of the evidence to the safety contact.

(b) Any bridge on a state or federal route or state-owned structure will require review and permission from the TDOT-structures division. Any local bridge twenty feet (20') or greater in length must also have a review by the Tennessee Department of Transportation Structures Division and have a letter from the division stating that the proposed attachment(s) will not cause structural damage or reduce the weight limit

of the bridge. Review and possible permits will be required by the appropriate railroad when any bridge owned by the railroad, any bridge over the railroad, any tunnel under the railroad, and any structure on railroad ROW that is proposed to have any attachments. Railroad review and possible permits will be required when there is any proposal to cross over or under any railroad ROW, whether attached to a bridge or not with any device or line of any type. Additionally all bridges within the city that have attachment proposals shall be reviewed by the street department and Sweetwater Utility Board.

(18) Material changes. Unless otherwise agreed to in writing by the authority, any material changes to an application, as determined by the authority in its sole discretion, shall be considered a new application for purposes of the time limits set forth in § 16-704, unless otherwise provided by applicable laws.

(19) Information updates. Except as otherwise provided herein, any amendment to information contained in a permit application shall be submitted in writing to the city within thirty (30) days after the change necessitating the amendment.

(20) Fees and charges. (a) Small wireless facility permit application fee. Every applicant shall pay a one (1) time permit application fee of two hundred dollars (\$200.00) at the time of their first application.

(b) Batch application. For every batch application, an applicant shall pay a permit application fee of one hundred dollars (\$100.00) for each of the first five (5) small cell facilities, and fifty dollars (\$50.00) each for every facility thereafter for a maximum of twenty (20) small cell facilities per application.

(c) ROW use rate. In exchange for the privilege of non-exclusive occupancy of the public ROW, the provider shall pay the authority one hundred dollars (\$100.00) per installation per year. The public ROW use fee shall be due and payable within thirty (30) days of issuance of the applicable permit(s) required under this chapter and annually thereafter.

(d) Other fees. The applicant or provider shall be subject to any other generally applicable fees of the authority or other government body such as those required for electrical permits, building permits, or other permits, which the applicant or provider shall pay as required in the applicable laws, as well as attachment fees for the use of authority owned PSS/poles, towers, support structures, ducts, conduits or other structures in the public ROW, as set forth in attachment agreements authorizing such use.

(e) No refund. Except as otherwise provided in a small wireless facility permit, the provider may remove its communications facilities, PSS/poles or towers from the public ROW at any time, upon not less than thirty (30) days prior written notice to the authority, and may cease paying to the authority any applicable recurring fees for such use, as of

the date of the actual removal of the facilities and complete restoration of the public ROW. In no event shall a provider be entitled to a refund of fees paid prior to removal of its communications facilities, PSS/poles or towers. (as added by Ord. #976, Sept. 2019 *Ch7\_02-07-22*)

**16-704. Application review.** (1) Review of small wireless facility applications. The authority shall review the application, and if the application conforms to applicable laws and this chapter, particularly the provisions of this section, the authority shall issue a permit on nondiscriminatory terms and conditions subject to the following requirements:

(a) Within thirty (30) days of receiving an application, the authority will notify the applicant whether the application is incomplete, and identify the missing information. The applicant may resubmit the completed application within thirty (30) days without additional charge, in which case the authority shall have thirty (30) days from receipt of the resubmitted application to verify the application is complete, notify the applicant that the application remains incomplete or in the authority's sole discretion, deny the application; and

(b) Make its final decision to approve or deny the application within thirty (30) days for a colocation, and sixty (60) days for any new structure, after the application is complete (or deemed complete in the event the authority does not notify applicant that the application or resubmitted application is incomplete).

(c) The authority shall advise the applicant in writing of its final decision.

(2) Review deadline. If the authority fails to act on an application within the sixty (60) day review period (or within the thirty (30) day review period for an amended application), the applicant may provide notice that the time period for acting has lapsed and may pursue final approval.

(3) Compensation. Every permit shall include as a condition the applicant's agreement to pay such lawful public ROW use fees, business license taxes, and administrative fees as are permitted under applicable Tennessee and federal law. The applicant shall also pay all applicable ad valorem taxes, service fees, sales taxes, or other taxes and fees as may not or hereafter be lawfully imposed on other businesses within the city.

(4) Conferences. Staff will review submissions to determine if colocation or other alternative sites will meet the needs of the applicant(s) and the City of Sweetwater. Conferences will be scheduled to resolve specific issues related to requests when safety is a concern, multiple providers are requesting to locate at/near the same location, proposed locations may be affected by planned construction or the authority believes that an alternative design might allow for colocation on existing infrastructure rather than installation of a new pole. The review and conference will take place within the given time

constraints of application review. (as added by Ord. #976, Sept. 2019 *Ch7\_02-07-22*)

**16-705. Requirements for small wireless facilities in the right-of-way.** (1) Administrative review. Pursuant to § 16-703, the authority shall perform an administrative review of permit applications according to the following location, design and installation standards:

(a) Public ROW construction and installation requirements. The authority shall not issue a permit unless the applicant, or a provider on whose behalf the applicant is constructing communications facilities, PSS/poles or towers, has received all other applicable permits.

(b) Location of new facilities.

(i) The provider shall not locate or maintain its communications facilities, PSS/poles and towers so as to unreasonably interfere with the use of the public ROW by authority, by the general public or by other persons authorized to use or be present in or upon the public ROW.

(ii) Pedestrian and vehicular paths shall not be impeded.

(iii) The provider shall not locate or maintain its communication facilities, PSS/poles and towers within a sight distance triangle as described in Article IV (4,11 — Vision Clearance) or the zoning code.

(iv) The provider shall not locate or maintain its communication facilities, PSS/poles and towers so as to block the visibility of traffic control devices (signal heads, video detection cameras, preemption receivers, or signs). The equipment shall not block the access to traffic control equipment or block the view of traffic from existing traffic surveillance cameras.

(v) The provider shall refer to the "Manual on Uniform Traffic Control Devices for Streets & Highways" for offsets, setbacks and the American Association of State Highway Transportation Officials (AASHTO) Design Guidelines for line of sight requirements based on speed limit and other factors at each proposed location. These requirements will be applied in locating above ground PSS/poles over eighteen inches (18") in diameter and equipment cabinets over two feet (2') in height.

(vi) Identification requirements. For the purpose of geo-referencing, each pole shall provide a unique identifier as determined by the authority placed in a visible location.

(vii) Facilities must meet the National Electric Code standards for separation from other utilities.

(c) Design standards/aesthetic plan. In an attempt to blend into the built environment, all small wireless facilities, new or modified utility poles, PSSs for the collocation of small wireless facilities and associated

equipment shall be consistent in size, mass shape and color to similar facilities and equipment in the immediate area, and its design for the PSS shall, unless otherwise specifically stated below, meet the adopted aesthetic plan, subject to following requirements:

(i) Colocation. Colocation is recommended when possible except in the case of an existing decorative pole period light. Should the wireless provider not be able to colocate, the wireless provider shall provide justification in the application.

(ii) Replacing an existing city-owned PSS. City-owned PSS may be replaced for the colocation of small wireless facilities. When replacing a PSS, any replacement PSS must reasonably conform to the design aesthetics of a PSS that is appropriate for that location and must continue to be capable of performing a greater function or, at a minimum, the same function in a comparable manner as it performed prior to replacement.

(A) When a city-owned PSS is replaced, the replacement PSS becomes the property of the city subject to Tennessee Code Annotated, § 13-24-408(e), as amended on the date of replacement.

(B) The city reserves the right to require a streetlight on the new PSS.

(iii) New poles. Any new PSS that is not a colocation or a replacement of an existing PSS must be approved by the city planner and planning commissioner. New PSSs shall not be permitted to be installed in the rights-of-way in areas in which no utility poles, streetlight poles or PSSs exist at the time of application without prior approval by the city planner and planning commission.

(iv) Consistency. New small wireless facilities, antennas, and associated equipment shall conform with the design standards of the district in which it is located as listed below. (See § 16-705(1)(c)(iv).)

(v) Districts. (See zoning map with historic overlays.)

(A) General commercial.

(1) Facility height:

(2) Maximum ten feet (10') in height above the tallest existing PSS in place in a public ROW that is located within five hundred feet (500') of the new PSS in the public ROW or fifty feet (50') above ground level, whichever is greater.

(3) For a PSS installed in a residential neighborhood, forty feet (40') above ground level.

(4) Pole requirements: Pole type shall be approved by the city planner.



(5) Pole diameter: Pole diameter shall be approved by the city planner.

(6) Size: Antenna fit within an enclosure or no more than six (6) cubic feet in volume and all other wireless equipment associated with the antenna, including the provider's preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.

(7) Color: Pole color shall be approved by the city planner.

(B) General residential.

(1) Facility height: Twenty-five feet (25') maximum.

(2) Pole requirements: Decorative pole and base or tapered steel pole.

(3) Pole diameter: Max. six inches (6") at height of five feet (5') on pole.

(4) Size: Antenna fit within an enclosure of no more than six (6) cubic feet in volume and all other wireless equipment associated with the antenna, including the provider's preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.

(5) Color: Black powder-coated.

(C) Historic residential.

(1) Facility height: Twenty-five feet (25') maximum.

(2) Pole requirements: Decorative pole and base.

(3) Pole diameter: Max. six inches (6") at height of five feet (5') on pole.

(4) Size: Antenna fit within an enclosure of no more than six (6) cubic feet in volume and all other wireless equipment associated with the antenna, including the provider's preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.

(5) Color: Black powder-coated.

(D) Historic commercial.

(1) Facility height: Twenty-five feet (25') maximum.

(2) Pole requirements: Decorative pole and base.

(3) Pole diameter: Max. six inches (6") at height of five feet (5') on pole.

(4) Size: Antenna fit within an enclosure of no more than six (6) cubic feet in volume and all other wireless equipment associated with the antenna, including the provider's preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.

(5) Color: Black powder-coated.

(E) School zones & parks.

(1) Facility height: Twenty-five feet (25') maximum.

(2) Pole requirements: Decorative pole and base or tapered steel pole.

(3) Pole diameter: Max. six inches (6") at height of five feet (5') on pole.

(4) Size: Antenna fit within an enclosure of no more than six (6) cubic feet in volume and all other wireless equipment associated with the antenna, including the provider's preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.

(5) Color: Black powder-coated.

(vi) Overlapping districts. If a proposed location is located within multiple, overlapping districts, the stricter requirements shall rule.

(vii) Concealment & undergrounding measures.

(A) All conduit, wires and other wireless hardware shall be located inside to the pole.

(B) Unless otherwise agreed to in writing by the authority or otherwise required by applicable laws, whenever any existing electric utilities or communications facilities are located underground within a public ROW, the provider with permission to occupy the same portion of the public ROW shall locate its communications facilities underground at its own expense.

(C) Compliance with underground facilities. Subject to waivers as determined by the Sweetwater Regional Planning Commission, an applicant must comply with existing requirements to place all electric, cable and communications facilities underground in a designated area of a public ROW, as determined by the city's subdivision regulations.

(D) Limits on use of ground-mounted equipment for wireless facilities. Ground-mounted equipment, limited to housing equipment and other supplies in support of the operation of the wireless facility, shall be placed in an underground vault. Where above-ground placement is necessary, a conference and approval by the authority is required. Stealth design shall be employed for above-ground equipment.

(viii) Attachment to and replacement of decorative poles.

(A) Notwithstanding anything to the contrary in this chapter, an applicant may not install a small wireless facility on an existing decorative pole.

(B) Notwithstanding anything to the contrary in this chapter, an applicant may not replace a decorative pole with a new decorative pole unless the authority has determined, in its sole discretion, that each of the following conditions has been met:

(1) The application qualifies for issuance of a permit under this chapter.

(2) The attachment and/or the replacement pole is in keeping with the aesthetics of the decorative pole/period light, and

(C) Notwithstanding anything to the contrary in this chapter, an applicant may not replace a decorative pole with a new decorative pole or install new above-ground communications facilities in the downtown historic district or the historic residential district unless the authority has determined, in its sole discretion, that each of the following conditions has been met:

(1) The application qualifies for issuance of a permit under the chapter.

(2) The attachment and/or the replacement pole is in keeping with the aesthetics and character of the district.

(3) The attachment meets guidelines of the U.S. Secretary of the Interior Standards for the Preservation of Historic Properties, and

(4) The proposed support structure and wireless facility receives a certificate of appropriateness from the historic zoning commission.

(ix) Lighting requirements. Whether an applicant shall be required to provide lighting on a proposed PSS and, if lighting is required, the type, height and power of such lighting shall be determined by the city planner and planning commission. Design

must replicate existing lighting by district according to § 16-705(1)(c)(iv).

(x) Limits on number and location. The limits on the number and location of support structures that may be installed or used:

(A) Where sufficient pedestrian lighting is present, no new freestanding support structures shall be allowed.

(B) Where sufficient pedestrian lighting is present, only replacement structures shall be allowed which include an appropriately designed light pole fixture.

(C) Where insufficient pedestrian lighting exist, a new pedestrian-scale decorative light pole may be considered for installation as a small cell support structure.

(xi) Aesthetic approach for different types of facilities. Colocations on existing structures shall use a design that limits visual clutter and conceals conduit, mounting brackets and other hardware. No facilities or associated equipment shall be allowed to extend more than twenty-four inches (24") horizontally from a PSS.

(xii) Additional criteria regarding the location, type and/or design of small cell facilities and utility poles shall be subject to change. All changes shall be made available to the public for thirty (30) days prior to their effective date. This chapter shall apply to all applications that have not been finally approved prior to its adoption. No changes to these standards be retroactive. Facilities approved and for which small wireless facility permits have been issued prior to the effective date of a guideline changed after adoption of this chapter shall not be affected.

(2) Discretionary review. Unless otherwise provided in this chapter, approval from the Sweetwater Regional Planning Commission shall be required for any wireless provider that seeks to construct or modify a PSS or wireless facility that is determined to not comply with the height, diameter, design, color standards and expectations set forth in § 16-705(7).

(3) Construction standards. In performing any work in, or affecting the public ROW, the provider, and any agent or contractor of the provider, shall comply with the provisions of this chapter and all other applicable municipal ordinances, and shall conform to the requirements of the following publications, as from time to time amended: The Rules of Tennessee Department of Transportation Right-of-Way Division, the National Electrical Code and the National Electrical Safety Code, AASHTO Design Guidelines and Manual Uniform Traffic Control Devices, as might apply.

(a) General safety and compliance with laws. The permittee shall employ due care during the installation, maintenance or any other work in the public ROW, and shall comply with all safety and public

ROW-protection requirements of applicable laws, applicable codes, and any generally applicable authority guidelines, standards and practices, and any additional commonly accepted safety and public ROW-protection standards, methods and devices (to the extent not inconsistent with applicable laws).

(b) Interference. The permittee shall not interfere with any existing facilities or structures in the public ROW, and shall locate its lines and equipment in such a manner as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any public ROW. The city's street department and police department must also be notified and concur with lane closures on all streets, including state routes.

(c) Utility locates. Before beginning any excavation in the public ROW, the permittee shall comply with "Tennessee 811 - CALL BEFORE YOU DIG" requirements.

(d) Restoration requirements. (i) The provider, or its agent or contractor, shall restore, repair and/or replace any portion of the public ROW that is damaged or disturbed by the provider's communications facilities, PSS/poles, towers or work in or adjacent to the public ROW. Restoration of pavement, sidewalks, landscaping, grass, etc. shall be in accordance with the right-of-way excavation permit application.

(ii) If the provider fails to timely restore, repair or replace the public ROW as required in this subsection, the authority or its contractor may do so and the provider shall pay the authority's costs and expenses related to such work, including any delay damages or other damages the authority incurs arising from the delay.

(e) Traffic control. Unless otherwise specified in the permit, the permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic control plan in accordance with the Uniform Manual of Traffic Control Devices. The permittee shall maintain all barriers and other traffic control and safety devices related to an open excavation until the excavation is restored to a safe condition or as otherwise directed by the authority.

(f) Removal, relocation and abandonment. (i) Within thirty (30) days following written notice from the authority, the provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its communications facilities, PSS/poles, support structures or towers within the public ROW or utility easement,

including relocation of above-ground communications facilities underground consistent with the provisions of this chapter, whenever the authority has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any authority improvement, the operations of the authority in, under or upon the public ROW, or otherwise is in the public interest. The provider shall be responsible to the authority for any damages or penalties it may incur as a result of the provider's failure to remove or relocate communications facilities, PSS/poles, support structures or towers as required in this subsection.

(ii) The authority retains the right and privileges to cut or move any communications, PSS/pole, support structure or tower located within the public ROW of the authority, as the authority may, determine, in its sole discretion, to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the authority shall notify the provider and give the provider an opportunity to move its own facilities prior to cutting or removing the communications facility PSS/pole, support structure or tower. In all cases, the authority shall notify the provider after cutting or removing the communications facility, PSS pole, support structure or tower as promptly as reasonably possible.

(iii) A provider shall notify the authority of abandonment of any communications, PSS/pole, support structure or tower at the time the decision to abandon is made, however, in no case shall such notification be made later than thirty (30) days prior to abandonment. Following receipt of such notice, the provider shall remove its communications facility, PSS/pole, support structure or tower at the provider's own expense, unless the authority determines, in its sole discretion, that the communications facility, PSS/pole, support structure or tower may be abandoned in place. The provider shall remain solely responsible and liable for all of its communications facilities, PSS/poles, support structures and towers until they are removed from the public ROW unless the authority agrees in writing to take ownership of the abandoned communications facilities, PSS/poles, support structures or towers.

(iv) If the provider fails to timely protect, support, disconnect, remove, relocate, change or alter any of its communications facilities, PSS/poles, support structures or towers or remove any of its abandoned communications facilities, PSS/poles, support structures or towers as required in this subsection, temporarily or permanently, the authority or its contractor may do so and the provider shall pass all costs and

expenses related to such work including any delay damages or other damages the authority incurs arising from the delay.

(g) As-built maps. As the city controls and maintains the public ROW for the benefit of its citizens, it is the responsibility of the city to ensure that such public ROWs meet the highest possible public safety standards. Upon request by the city and within thirty (30) days of such a request, a permittee shall submit to the street department and Sweetwater Utility Board (or shall have otherwise maintained on file with the department) as-built maps and engineering specifications depicting and certifying the location of all its existing small wireless facilities within the right-of-way, provided in standard electronic or paper format in a manner established by the city planner or his or her designee. Permittees must also submit shape files for location specific data to the city's geographic information system division. Such maps data are and shall remain confidential documents and are exempt from public disclosure under the Tennessee Public Records Act (Tennessee Code Annotated, §§ 10-7-101, et seq.) to the maximum extent of the law. After submittal of the as-built maps as required under this section, each permittee having small wireless facilities in the public ROW shall, upon written request by the city, update such maps as required under this chapter.

(h) Insurance requirements. Each permittee shall at all times during the entire term of the small wireless facilities permit maintain and require each contractor and subcontractor to maintain insurance with a reputable insurance company authorized to do business in the State of Tennessee and which has an A.M. Best rating (or equivalent) no less than "A" indemnifying the city from and against any and all claims for injury, or damage to persons or property, both real and personal, caused by the construction, installation, operation, maintenance or removal of permittee's wireless facilities in the rights-of-way. The amounts of such coverage shall not be less than the following:

(i) Worker's compensation and employer's liability insurance. Tennessee statutory requirements.

(ii) Comprehensive general liability. Commercial general liability occurrence form, including premises operations; independent contractors contractual liability; products completed operations: X.C.U coverage; and personal injury coverage with limits no less than one million dollars (\$1,000,000.00) per occurrence combined single limit and ten million dollars (\$10,000,000.00) in the aggregate.

(iii) Commercial automobile liability. Commercial automobile liability coverage for all owned, non-owned and hired vehicles involved in operations under this chapter with limits no

less than one million dollars (\$1,000,000.00) per occurrence combined single limit each accident.

(iv) Commercial excess or umbrella liability. Commercial excess or umbrella liability coverage may be used in combination with primary coverage to achieve the required limits of liability.

(v) The city shall be designated as an additional insured for ongoing and completed operations under each of the insurance policies required by this section except worker's compensation and employer's liability insurance. Permittee shall not cancel any required insurance policy without obtaining alternative insurance in conformance with this section. Permittee shall provide the city with at least thirty (30) days advance written notice of any material changes or cancellation of any required insurance policy or in the case of non-payment of premium, at least ten (10) days written notice of cancellation.

(vi) Permittee shall impose similar insurance requirements as identified in this section on its contractors and subcontractors.

(i) Indemnification. Each permittee, its consultant, contractor, and subcontractor shall, at its sole cost and expense, indemnify, defend and hold harmless the city, its elected and appointed officials, employees and agents at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the permittee, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation operation, maintenance, removal or abandonment of permittee's wireless system or wireless facilities in the rights-of-way.

Each permittee shall defend any actions or proceedings against the city in which it is claimed that personal injury, including death, or property damage was caused by the permittee's construction, installation, operation, maintenance or removal of permittee's wireless system or wireless system or wireless facilities in the rights-of-way. The obligation to indemnify and hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities damages, reasonable attorney's fees, reasonable expert fees, court costs and all other reasonable costs of indemnification.

(j) Use of conduit. Permittees using space in ducts, conduits and on PSS/poles must comply with the terms of this code, unless expressly exempted by the authority.

(k) Right to inspect. Upon just and reasonable cause, the city shall have the right to inspect all of the small wireless facilities including aerial facilities and underground facilities, to ensure general health and safety with respect to such facilities and to determine compliance with



the terms of this chapter and other applicable laws and regulations, any permittee shall be required to cooperate with all such inspections and to provide reasonable and relevant information requested by the city, as part of such inspection(s).

(l) Application fees and bonds. Unless otherwise provided by applicable laws, all applications pursuant to this chapter shall be accompanied by the fees required under § 16-703(20). Unless otherwise provided as part of permitting or agreed to in writing by the authority, a performance bond or other form of surety acceptable to the authority equal to at least one hundred percent (100%) of the estimated cost of the work within the public ROW shall be provided before the applicant commences work. (as added by Ord. #976, Sept. 2019 *Ch7\_02-07-22*)

**16-706. Violation of this chapter.** In the event a reasonable determination is made that a person has violated any provision of this chapter, or a small wireless facility permit, such person shall be provided written notice of the determination and the specific detailed reasons therefor. Except in the case of an emergency, the person shall have thirty (30) days to commence to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the city, in its reasonable judgment, may extend the time period to cure, provided that the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the city may take all actions authorized by this chapter and or Tennessee law and regulations. (as added by Ord. #976, Sept. 2019 *Ch7\_02-07-22*)

**16-707. Construction of provisions.** If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason found to limit the minimum time within which an act must be performed or exceed the maximum time allowed to perform an act provided by the "Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018," Tennessee Code Annotated, §§ 13-24-401, et seq., or other law, such provision shall be construed to allow or prohibit the act done within the time provided by said statute and not be found or deemed invalid because of such inconsistency. (as added by Ord. #976, Sept. 2019 *Ch7\_02-07-22*)

**16-708. Severability.** If any section, subsection, sentence, clause, phrase or word or this chapter is for any reason held to be illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this chapter, or any part thereof, invalid. (as added by Ord. #976, Sept. 2019 *Ch7\_02-07-22*)

**16-709. Conflict.** In case of conflict between this chapter or any part hereof and the whole or part of any existing ordinance of the city, the provision that establishes the higher standard shall prevail. (as added by Ord. #976, Sept. 2019 *Ch7\_02-07-22*)

**16-710. Survivability.** In the event any permittee sells, conveys, converts or transfers its ownership or interest(s) in any small wireless facility and/or any other equipment associated with any of the communications facilities governed by this chapter and/or any pole/PSS, tower or support structure to which the equipment is attached, all of the provisions of this chapter shall apply to and govern the successor owner to whom such facility, equipment, pole/PSS, tower or support structure is transferred, including, but not limited to, any purchaser from a bankruptcy trustee, a non-judicial foreclosure or a judicial sale. (as added by Ord. #976, Sept. 2019 *Ch7\_02-07-22*)

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

- 17-101. Premises to be kept free of.
- 17-102. Storage or disposal.
- 17-103. Definitions.
- 17-104. Containers.
- 17-105. Confiscation of unsatisfactory containers.
- 17-106. Leaves, lawn clippings, brush, etc.
- 17-107. Collection.
- 17-108. Disposition.
- 17-109. Dumping in streams, etc.
- 17-110. Service of orders.
- 17-111. Prohibited disposal.
- 17-112. Prohibited substances and practices.
- 17-113. Scavenging.
- 17-114. Burning.
- 17-115. Offenses.
- 17-116. Garbage service user fees.

**17-101. Premises to be kept free of.** All persons within the city are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. (1982 Code, § 8-301)

**17-102. Storage or disposal.** All persons within the city are hereby required to store their refuse and trash, etc., 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. (1982 Code, § 8-302)

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

**17-103. Definitions.** When used in this chapter, the following words shall have the meanings herein ascribed for them:

(1) "Refuse" shall include garbage, rubbish, ashes, and all other putrescible and non-putrescible, combustible and non-combustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the 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.

(2) "Garbage" shall include 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.

(3) "Rubbish" shall include all non-putrescible waste materials except ashes from all public and private residences and establishments.

(4) "Ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(5) "Collector" shall mean any person who collects, transports, or disposes of any refuse within the city. (1982 Code, § 8-303)

**17-104. Containers.** Each owner, occupant, tenant, subtenant, lessee, or other person using or occupying any building, house, structure, or grounds within the city where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate, 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 metal; shall be strong and durable; not readily corrodible; rodent and insect-proof; and 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 larger containers mechanically. Garbage containers shall be equipped with handles to facilitate emptying and shall be equipped with tight fitting lids or covers, constructed of the same material as the container and 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. Such storage containers should be placed in such a convenient and accessible location for trucking as may be designated by the official refuse collecting agency. Wet garbage or refuse must be drained of all liquids and wrapped in paper or other equivalent material prior to placing it into the storage 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. (1982 Code, § 8-304)

**17-105. Confiscation of unsatisfactory containers.** The official refuse collecting agency of the city is hereby authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when in 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 owners of such containers have been duly notified of such impending action. (1982 Code, § 8-305)

**17-106. Leaves, lawn clippings, brush, etc.** In no case will it be the responsibility of the refuse collecting agency of 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 such containers as are hereinbefore described. (1982 Code, § 8-306)

**17-107. Collection.** (1) All refuse (including garbage and rubbish) as heretofore defined shall be collected sufficiently frequently to prevent the occurrence of nuisances and public health problems. Said collections shall be made at intervals of at least one (1) in seven (7) days for residential districts and at least one (1) in two (2) days for commercial districts. The collection of refuse within the city shall be under the jurisdiction of the department of sanitation.

(2) No person shall engage in the business of collecting refuse or removing the contents of any refuse container (except his own) for any purpose whatsoever, who does not possess a permit to do so from the appropriate authority of the city. Such permits may be issued only after the applicant's capability of complying with the requirement of this chapter has been fully determined. Such permits may be suspended or revoked upon the violation of any of the terms of this chapter.

(3) The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds. (1982 Code, § 8-307, as amended by Ord. #675, Sept. 1995)

**17-108. Disposition.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated by the duly constituted authority of the city is expressly prohibited. The

disposal of all refuse and garbage shall be by methods approved by the health officer. Such methods shall provide the maximum practical rodent, insect, and nuisance control at the place of disposal. No garbage shall be fed to swine unless said garbage has first been heated to at least 212<sup>0</sup> F. and held there at least thirty (30) minutes in apparatus and by methods approved by the health officer. Animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the health officer or shall be rendered at forty (40) psi. steam pressure or higher, or similarly heated by equivalent cooking. (1982 Code, § 8-308)

**17-109. Dumping in streams, etc.** It shall be unlawful for any person to dump refuse in any form into any stream, ditch, storm sewer, or other drain within the city. (1982 Code, § 8-309)

**17-110. Service of orders.** It shall be the duty of the health officer or his 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. Said orders shall require the correction of the violations within such time as specified by the health officer. It shall be unlawful for any person to fail to comply with any lawful order of the health officer. (1982 Code, § 8-310)

**17-111. Prohibited disposal.** It shall be unlawful for any person to place garbage or refuse in the garbage container or on the property of another without the latter person's consent. No person shall place, deposit, dump or throw any garbage or refuse on or in any gutter, street, sidewalk, alley or into any storm sewer, stream or other artificial or natural watercourse. (Ord. #675, Sept. 1995)

**17-112. Prohibited substances and practices.** The following substances are hereby prohibited from being deposited with solid waste collected by the city:

1. Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances;
2. Any material that would be hazardous or injurious to city employees and/or trash collectors or which could cause damage to collection equipment and/or facilities;
3. Hazardous waste as defined in Tennessee Code Annotated, § 66-212-104(8); and household hazardous waste as detailed in Tennessee Code Annotated, § 68-211-802(a)(7);
4. Construction waste consisting of materials from construction, demolition, remodeling, construction-site preparation, including but not limited

to rocks, bricks, dirt, debris, fill plaster, guttering, and all types of scrap materials;

5. Human or animal excrement;
6. Hot materials such as ashes, cinders, etc.;
7. Infectious wastes including, but not limited to, those classified by

the following:

- a. Isolation wastes. Wastes contaminated by patients who are isolated due to communicable disease as provided in the U.S. Center for Disease Control Guidelines for Isolation Precautions in Hospitals (July 1983).

- b. Cultures and stocks of infectious agents and associated biological cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biological, discarded lice and attenuated vaccines;

- c. Laboratory waste which has come into contact with cultures and stocks of etiologic agents or blood specimens. Such wastes includes, but is not limited to, culture dishes, blood specimen tubes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come into contact with cultures and stock of etiologic agents;

- d. Human blood and blood products. Waste human blood and blood products such as serum, plasma, and other blood components;

- e. Pathological wastes. Pathological wastes, such as tissues, organs, body parts, and body fluids that are removed during surgery and autopsy;

- f. Discarded sharps. All discarded sharps (e.g. hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades, etc.) used in patient care, medical research or industrial laboratories;

- g. Contaminated animal carcasses, body parts and bedding. Contaminated animal carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biological or in the in-vitro testing of pharmaceutical.

8. Human and/or animal remains.

9. Automobile, truck and equipment batteries and tires. (Ord. #675, Sept. 1995)

**17-113. Scavenging.** The following practice is prohibited and it shall be unlawful for: Any person to move, remove, upset, scatter, tamper with, use, carry away, deface, mutilate, destroy, damage or interfere with the garbage or garbage container of another. (Ord. #675, Sept. 1995)

**17-114. Burning.** It shall be unlawful for any person to burn any garbage within the city. No other refuse shall be burned within the city, except with permission from Sweetwater Fire Department. (Ord. #675, Sept. 1995)

**17-115. Offenses.** Any person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding 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. #675, Sept. 1995, modified)

**17-116. Garbage service user fees.** (1) Fees established, collection rules, and regulations. (a) There is hereby established a garbage service user fee to be charged to and collected from each residential, commercial, or industrial location in the City of Sweetwater, Tennessee on a monthly basis.

(b) "Residential, commercial, or industrial location" is hereby defined, for the purpose of this section, as all residential living units, commercial businesses or industrial sites within the City of Sweetwater, whether occupied or not, to which garbage and refuse pickup service is furnished by the City of Sweetwater, and available for use, whether utilized or not, and for which pick up service is not otherwise required to be provided as a commercial unit (for which terms of the city's garbage contract are required to use a dumpster or an apartment development in excess of six (6) units.)

(c) The garbage service user fee is established at an initial rate of seven dollars and fifty cents (\$7.50) per month per residential, commercial, or industrial location and may be amended through the budget ordinance.

(d) The city recorder is authorized and directed to institute collection mechanisms, rules, and regulations and means as shall be deemed by the city recorder to be efficient, appropriate, and expedient to effect collections.

(e) The initial mechanism for collection shall be on the monthly utility bill through Sweetwater Utilities Board, and subject to the policies and procedures of the billing system used by SUB, including any penalty and interest.

(2) Penalty for non-payment. (a) It is unlawful to refuse or neglect to pay the monthly residential garbage service user fee when billed. Each user shall be given ten (10) days from the billing date to make payment. The user shall be subject to penalty, interest, and/or fines which are applicable.



(b) Furthermore, each thirty (30) day period that the service fee remains unpaid shall subject the owner or the tenant, whichever is the user, shall be guilty of a separate municipal offense, and upon being found guilty shall be punished by a fine of not more than fifty (\$50.00) dollars.

(c) Any officer of the city, the city recorder, or codes enforcement officer may cite any person who fails to comply with the rules of this chapter into municipal court. (as added by Ord. #859, Jan. 2011)

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

1. WASTEWATER REGULATIONS.
2. INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. WELLHEAD PROTECTION PROGRAM.

#### CHAPTER 1

### GENERAL WASTEWATER REGULATIONS<sup>2</sup>

#### SECTION

- 18-101. Purpose and policy.
- 18-102. Administrative.
- 18-103. Definitions.
- 18-104. Proper waste disposal required.
- 18-105. Private domestic wastewater disposal.
- 18-106. Connection to public sewers.
- 18-107. Septic tank effluent pump or grinder pump wastewater systems.
- 18-108. Regulation of holding tank waste disposal or trucked in waste.
- 18-109. Discharge regulations.
- 18-110. Enforcement and abatement.
- 18-111. [Deleted.]
- 18-112. [Deleted.]
- 18-113. [Deleted.]

**18-101. Purpose and policy.** This chapter sets forth uniform requirements for users of the City of Sweetwater, Tennessee, wastewater treatment system and enables the city to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

- (1) To protect public health;

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.  
Refuse disposal: title 17.

<sup>2</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the city to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge and biosolid use and disposal requirement, and any other federal or state industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Sweetwater must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system.

This chapter shall apply to all users inside or outside the city who are, by implied contract or written agreement with the city, dischargers of applicable wastewater to the wastewater treatment facility. Chapter 2 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility. Chapter 2 details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein. (as replaced by Ord. #883, July 2012)

**18-102. Administrative.** Except as otherwise provided herein, the local administrative officer of the city shall administer, implement, and enforce the provisions of this chapter. (as replaced by Ord. #883, July 2012)

**18-103. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

- (1) "Administrator." The Administrator of the United States Environmental Protection Agency.

(2) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 U.S.C. § 1251, et seq.

(3) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(4) "Authorized" or "duly authorized" representative of industrial user:

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) The individual described in subsections (a) through (c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-109 of this chapter. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(8) "Categorical standards." The National Categorical Pretreatment Standards or pretreatment standard as found in 40 C.F.R. chapter I, subchapter N, parts 405-471.

(9) "City." The Board of Mayor and Aldermen, City of Sweetwater, Tennessee.

(10) "Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(11) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(12) "Composite sample." A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(13) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the local hearing authority if the city has an approved pretreatment program under the provisions of 40 C.F.R. 403.11.

(14) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(15) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(16) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a twenty-four (24) hour calendar day.

(17) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

(18) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(19) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(20) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(21) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(22) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(23) "Grease interceptor." An interceptor whose rated flow is 50 g.p.m. (gallons per minute) or less and is generally located inside the building.

(24) "Grease trap." An interceptor whose rated flow is 50 g.p.m. or more and is located outside the building.

(25) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(26) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(27) "Indirect discharge." The introduction of pollutants into the WWF from any non-domestic source.

(28) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. § 1342).

(29) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

(30) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any

discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(31) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(32) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(33) "Local administrative officer." The chief administrative officer of the local hearing authority.

(34) "Local hearing authority." The board of mayor and aldermen or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to section 205.

(35) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

(36) "North American Industrial Classification System (NAICS)." A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) system.

(37) "New source." (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the

criteria of parts (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

(38) "National Pollution Discharge Elimination System (NPDES)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Clean Water Act as amended.

(39) "Pass-through." A discharge which exits the Wastewater Facility (WWF) into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's NPDES permit including an increase in the magnitude or duration of a violation.

(40) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(41) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(42) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(43) "Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).



(44) "Pretreatment" or "treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 C.F.R. section 403.6(d).

(45) "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

(46) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(47) "Pretreatment standards" or "standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

(48) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See WWF, wastewater facility, found in definition (63) below.

(49) "Shall" is mandatory; "may" is permissive.

(50) "Significant industrial user." The term significant industrial user means:

(a) All industrial users subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(51) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8. (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each

parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of WWF personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-205(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

(e) Failure to meet, within 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 forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(52) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

(53) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(54) "State." The State of Tennessee.

(55) "Storm sewer" or "storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

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

(57) "Superintendent." The local administrative officer or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(58) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(59) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.

(60) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(61) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, Tennessee Code Annotated, § 68-221-201.

(62) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

(63) "Wastewater Facility (WWF)." Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as POTW, or Publicly Owned Treatment Works.

(64) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

(65) "1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements. (as replaced by Ord. #883, July 2012)

**18-104. Proper waste disposal required.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter or city or state regulations.

(3) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.

(4) Except as provided in (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available property owners shall within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-105 of this chapter.

(6) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations. (as replaced by Ord. #883, July 2012)

**18-105. Private domestic wastewater disposal.** (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-104(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department. The application for such approval shall be made on a form furnished by the county health department which the applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department. (as replaced by Ord. #883, July 2012)

**18-106. Connection to public sewers.** (1) Application for service.

(a) There shall be two (2) classifications of service:

(i) Residential; and

(ii) Service to commercial, industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this chapter. Service connection fees for establishing new sewer service are paid to the city. Industrial user discharge permit fees may also apply. The receipt by the city of a prospective customer's application for connection shall not obligate the city to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, or state and federal requirement,

the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(b) Users shall notify the city of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The city may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of the ordinance comprising this chapter shall be completely and permanently disconnected within sixty (60) days of the effective day of the ordinance comprising this chapter. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first submitting a connection application to the city.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A service connection fee shall be paid to the city at the time the application is filed.

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The city will inspect the installation prior to backfilling and make the connection to the public sewer.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner including all service and connection fees. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer. Where property is subdivided and buildings use a common building sewer

are now located on separate properties, the building sewers must be separated within sixty (60) days.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this chapter. All others may be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows: Conventional sewer system--four inches (4").

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades: four inch (4") sewers--one eighth inch (1/8") per foot.

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, as it crosses the property line and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. 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"). Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public system shall be made only by the city and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the

superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved pump system according to § 18-107 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or ground water to a building directly or indirectly to a public sanitary sewer.

(h) Inspection of connections. (i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

(ii) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the city. Owners failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service.



(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <http://state.tn.us/environment/wpc/publications/>. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the city. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service. (as replaced by Ord. #883, July 2012)

**18-107. Septic tank effluent pump or grinder pump wastewater systems**. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the city.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the city.

(b) Pumps must be approved by the city and shall be maintained by the owner.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the city. Installation shall follow design criteria for STEP and GP systems as provided by the manufacturer and superintendent.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the city and connection will be made to the city sewer only after inspection and approval of the city.

(4) Ownership and easements. Homeowners or developers shall provide the city with access to perform necessary inspections.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the superintendent.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the STEP and GP tank.

(d) Prohibited uses of the STEP and GP system:

- (i) Connection of roof guttering, sump pumps or surface drains.
  - (ii) Disposal of toxic household substances.
  - (iii) Use of garbage grinders or disposers.
  - (iv) Discharge of pet hair, lint, or home vacuum water.
  - (v) Discharge of fats, grease, and oil.
- (6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the owner.
- (7) Additional charges. The owner shall be responsible for maintenance of the STEP and GP equipment. Inspectors and on-site visits by the city will be at no charge to the owner. (as replaced by Ord. #883, July 2012)

**18-108. Regulation of holding tank waste disposal or trucked in waste.** (1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the city to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the city to be set as specified § 18-207 of this title. Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his discretion where it appears that the waste could interfere with the operation of the WWF.

(4) Revocation of permit. Failure to comply with all the provisions of the permit or this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any

person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Sweetwater.

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporarily pumped waste, all of which are prohibited without a permit issued by the superintendent. This approval may require testing, flow monitoring and record keeping. (as replaced by Ord. #883, July 2012)

**18-109. Discharge regulations.** (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass-through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of §§ 18-110 or 18-205. A user may not contribute the following substances to any WWF:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Centigrade (60° C) using the test methods specified in 40 C.F.R. 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent

grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds forty degrees Centigrade (40° C), one hundred four degrees Fahrenheit (104° F) unless approved by the State of Tennessee.

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in noncompliance with sludge use or disposal criteria, 40 C.F.R. 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the WWF to violate its NPDES permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be:

<b>Parameter</b>	<b>Maximum Concentration (ug/l)</b>
Cyanide	30.71
Ethylbenzene	28.57
Lead	44.682
Mercury	0.73
Methylene chloride	131.58
Naphthalene	4.55
Nickel	32.448
Phenol	500.00
Silver	20.00
Tetrachloroethylene	125
Toluene	214.29
Total Phthalate	169.74
Trichloroethylene	90.91
1,1,1-Trichloroethane	200
1,2 Transdichloroethylene	4.55
Zinc	300

(4) Fats, oils and grease traps and interceptors. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction and renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge

applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) Service and maintain the equipment in order to prevent impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this subsection shall be construed to prohibit or restrict any

other remedy the city has under this chapter, or state or federal law. The city retains the right to inspect and approve installation of control equipment.

(f) Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the city is prohibited.

(g) The superintendent may use industrial wastewater discharge permits under § 18-202 to regulate the discharge of fat, oil and grease. (as replaced by Ord. #883, July 2012)

**18-110. Enforcement and abatement.** Violators of these wastewater regulations may be cited to city court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the city may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to chapter 2. Repeated or continuous violation of this chapter is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The city may take any or all of the following remedies:

(1) Cite the user to city or general sessions court, where each day of violation shall constitute a separate offense.

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system. (as replaced by Ord. #883, July 2012)

**18-111. [Deleted.]** (as deleted by Ord. #883, July 2012)

**18-112. [Deleted.]** (as deleted by Ord. #883, July 2012)

**18-113. [Deleted.]** (as deleted by Ord. #883, July 2012)

## CHAPTER 2

### INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS

#### SECTION

- 18-201. Industrial pretreatment.
- 18-202. Discharge permits.
- 18-203. Industrial user additional requirements.
- 18-204. Reporting requirements.
- 18-205. Enforcement response plan.
- 18-206. Enforcement response guide table.
- 18-207. Fees and billing.
- 18-208. Validity.

**18-201. Industrial pretreatment.** In order to comply with Federal Industrial Pretreatment Rule 40 C.F.R. 403 and Tennessee Pretreatment Rules 1200-4-14 and to fulfill the purpose and policy of this chapter the following regulations are adopted.

(1) User discharge restrictions. All system users must follow the general and specific discharge regulations specified in § 18-109 of this title.

(2) Users wishing to discharge pollutants at higher concentrations than Table A Plant Protection Criteria of § 18-109, or those dischargers who are classified as significant industrial users will be required to meet the requirements of this chapter. Users who discharge waste which falls under the criteria specified in this chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in § 18-205.

(3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.

(4) Discharge permits shall limit concentrations of discharge pollutants to those levels that are established as local limits, Table B or other applicable state and federal pretreatment rules which may take effect after the passage of this chapter.



**Table B -- Local Limits**

Pollutant	Monthly Maximum (mg/l)	Average* Concentration	Daily Maximum Concentration (mg/l)
Arsenic			0.0312
Benzene			0.1260
Cadmium			0.0180
Carbon Tetrachloride			12.814
Chloroform			2.1815
Chromium VI			1.0535
Copper			1.1393
Cyanide			0.0863
Ethylbenzene			0.2420
Lead			0.2572
Mercury			0.0019
Methylene chloride			1.0663
Molybdenum			0.0059
Napthalene			0.0350
Nickel			0.1763
Phenol			4.2721
Selenium			0.0265
Silver			0.1301
Tetrachloroethylene			1.0670
Toluene			1.8288
Total Phthalate			1.4245
Trichloroethylene			0.7746
1,1,1-Trichloroethane			1.7067
1,2			0.0354
Transdichloroethylene			
Zinc			2.0672

\*Based on 24-hour flow proportional composite samples unless specified otherwise.1.0535

(5) Surcharge limits and maximum concentrations. Dischargers of high strength waste may be subject to surcharges based on the following surcharge limits. Maximum concentrations may also be established for some years.

**Table C--Surcharge and Maximum Limits**

<u>Parameter</u>	<u>Surcharge Limit</u>	<u>Maximum Concentration</u>
Total Kjeldahl Nitrogen (TKN)	25	68
Oil and Grease	50	100
MBAS	35	35
BOD	300	600
Suspended Solids	300	600

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in Table A--Plant Protection Criteria. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by Table A or subsequent criteria calculated as a result of changes in pass-through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect the WWF. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the WWF effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the WWF.

(7) User inventory. The superintendent will maintain an up-to-date inventory of users whose waste does or may fall into the requirements of this chapter, and will notify the users of their status.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency. (as added by Ord. #883, July 2012)

**18-202. Discharge permits.** (1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the city sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-106 of this title and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for connection shall not obligate the city to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required by the superintendent to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator, an application on a prescribed form accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in §§ 18-109 and 18-201 discharge variations--daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details

showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this subsection, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the local administrative office, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(viii) Applications shall be signed by the duly authorized representative.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

(i) Permits shall contain the following:

(A) Statement of duration;

(B) Provisions of transfer;

(C) Effluent limits, including best management practices, based on applicable pretreatment standards in this chapter, state rules, categorical pretreatment standards, local, state, and federal laws.

(D) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;

(F) Requirements to control slug discharges, if determined by the WWF to be necessary;

(G) Requirement to notify the WWF immediately if changes in the users processes affect the potential for a slug discharge.

(ii) Additionally, permits may contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(B) Requirements for installation and maintenance of inspection and sampling facilities;

(C) Compliance schedules;

(D) Requirements for submission of technical reports or discharge reports;

(E) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(F) Requirements for notification of the city sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and

of any changes in industrial processes that would affect wastewater quality or quantity;

(G) Prohibition of bypassing pretreatment or pretreatment equipment;

(H) Effluent mass loading restrictions;

(I) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least sixty (60) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permit duration. Permits shall be issued for a period of no longer than five (5) years and will be stated to expire on a specific date. The user shall apply for permit renewal a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in:

(A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(B) Strength, volume, or timing of discharges;

(C) Addition or change in process lines generating wastewater.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user. (as added by Ord. #883, July 2012, and amended by Ord. #1017, April 2023 *Ch1\_08-05-24*)

**18-203. Industrial user additional requirements.** (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator.

When in the judgment of the pretreatment coordinator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the pretreatment coordinator may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way

with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current addition of 40 C.F.R. 136 and appropriate EPA guidance. Multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenol, and sulfide the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(3) Representative sampling and housekeeping. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measuring facilities shall be properly operated, kept clean, and in good working order at all times. The failure of the user to keep its monitoring facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper operation and maintenance includes adequate process control as well as adequate testing and monitoring quality assurance.

(5) Inspection and sampling. The city may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of its duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The city will utilize qualified city personnel or a private laboratory to conduct compliance monitoring. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(6) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the city shall



observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) New sources. New sources of discharges to the WWF shall have in full operation all pollution control equipment at start up of the industrial process and be in full compliance of effluent standards within ninety (90) days of start up of the industrial process.

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance.

(9) Accidental discharges or slug discharges. (a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental or slug discharge into the WWF of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the WWF, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the WWF, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any

finances, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (as added by Ord. #883, July 2012)

**18-204. Reporting requirements.** Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under § 18-205.

(1) Baseline monitoring report. (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the superintendent a report which contains the information listed in subsection (B) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the superintendent a report which contains the information listed in subsection (b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below:

(i) Identifying information. The user name, address of the facility including the name of operators and owners.

(ii) Permit information. A listing of any environmental control permits held by or for the facility.

(iii) Description of operation. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per

day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(v) Measurement of pollutants. (A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 C.F.R. 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(E) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this subsection.

(F) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards.

(G) Sampling and analysis shall be performed in accordance with 40 C.F.R. 136 or other approved methods.

(H) The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(I) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is

representative of normal work cycles and expected pollutant discharges to the WWF.

(c) Compliance certification. A statement, reviewed by the user's duly authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (2) of this section.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with subsection (14) of this section and signed by the duly authorized representative.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by subsection (1)(d) of this section:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

(d) In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in subsections

(1)(b)(iv) and (v) of this section. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14) of this section. All sampling will be done in conformance with subsection (11).

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the superintendent submit no less than twice per year (April 10 and October 10) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this chapter.

(c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by superintendent, using the procedures prescribed in subsection (11) of this section, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

(a) The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-201 of this chapter.

(b) The superintendent may issue an individual wastewater discharge permit under § 18-202 of this chapter or modify an existing wastewater discharge permit under § 18-202 of this chapter in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug

discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulleting board or other prominent place advising employees who to call in the event of a discharge described in subsection (a) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the superintendent as the superintendent may require to determine users status as non-permitted.

(8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within thirty (30) days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation, the user must notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a

substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (5) of this section. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (1), (3), and (4) of this section.

(b) Discharges are exempt from the requirements of subsection (a) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 and amendments thereto, unless otherwise

specified in an applicable categorical pretreatment standard. If 40 C.F.R. part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated and analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the superintendent or other parties approved by the EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in subsections (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, the date of receipt of the report shall govern.

(13) Record keeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this



chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-208. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the superintendent.

(14) Certification statements. Signature and certification. All reports associated with compliance with the pretreatment program shall be signed by the duly authorized representative and shall have the following certification statement attached:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Reports required to have signatures and certification statement include, permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements. (as added by Ord. #883, July 2012)

**18-205. Enforcement response plan.** Under the authority of Tennessee Code Annotated, § 69-3-123, et seq.

(1) Complaints: notification of violation; orders.

(a) (i) Whenever the local administrative officer has reason to believe that a violation of any provisions of the Sweetwater Wastewater Regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be

violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in § 18-205(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in Tennessee Code Annotated, § 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the city or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one (1) of the following orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time. If the user does not come into compliance within the specified time, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of

pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

(2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take any emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the city in meeting the emergency.

(ii) Appeals from orders of the local administrative officer.

(A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration

within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(c) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subsection (a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Monroe County has jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring the person to appear and testify or produce

evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (b);

(viii) Any person to whom an emergency order is directed under § 18-205(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, et seq. within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be

requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations, administrative civil penalty. Under the authority of Tennessee Code Annotated, § 69-3-125:

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

(A) Unauthorized discharge, discharging without a permit;

(B) Violates an effluent standard or limitation;

(C) Violates the terms or conditions of a permit;

(D) Fails to complete a filing requirement;

(E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(F) Fails to pay user or cost recovery charges; or

(G) Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any administrative civil penalty must be assessed in the following manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the city resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-202(2)(g) of this chapter, users are subject to termination of their wastewater discharge for violations or a wastewater discharge permits, or orders issued hereunder, or for any of the following conditions:

(a) Violation of wastewater discharge permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

(e) Violation of the pretreatment standards in the general discharge prohibitions in § 18-109.

(f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.



(7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund.

(8) Levels of non-compliance. (a) Insignificant non-compliance. For the purpose of this guide, insignificant non-compliance is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to informally with a phone call or site visit but may include a Notice of Violation (NOV).

(b) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

(i) Chronic violations of wastewater discharge limits, defined here as those in sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(iii) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-205(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

(v) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report non-compliance.

(viii) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation of implementation of the local pretreatment program.

(ix) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A).

(9) Public notice of the significant violations. The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, a list of the users which, at any time during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (C), (D) or (H) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-207 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of WWF personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual

wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to accurately report non-compliance; or

(g) Any other violation(s), which may include a violation of best management practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(h) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(10) Criminal penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States. (as added by Ord. #883, July 2012)

**18-206. Enforcement response guide table.** (1) Purpose. The purpose of this chapter is to provide for the consistent enforcement of the provisions of this chapter.

(2) Enforcement response guide table. The applicable officer shall use the schedule found in Appendix A<sup>1</sup> to impose sanctions or penalties for the violation of this chapter. (as added by Ord. #883, July 2012)

**18-207. Fees and billing.** (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

(a) Inspection fee and tapping fee;

(b) Fees for applications for discharge;

(c) Sewer use charges;

(d) Surcharge fees (see Table C);

(e) Waste hauler permit;

(f) Industrial wastewater discharge permit fees;

(g) Fees for industrial discharge monitoring; and

(h) Other fees as the city may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-202 of this chapter.

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<sup>1</sup>Appendix A is available in the office of the city recorder.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed.

(5) Sewer user charges. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-207 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(8) Administrative civil penalties. Administrative civil penalties shall be issued according to the following schedule. Violations are categorized in the Enforcement Response Guide Table (Appendix A).<sup>1</sup> The local administrative officer may assess a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

Category 1	No penalty
Category 2	\$50.00--\$500.00
Category 3	\$500.00--\$1,000.00
Category 4	\$1,000.00--\$5,000.00
Category 5	\$5,000.00--\$10,000.00

(as added by Ord. #883, July 2012)

**18-208. Validity.** This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city. (as added by Ord. #883, July 2012)

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<sup>1</sup>The Enforcement Response Guide Table (Appendix A) is available in the office of the city recorder.

## CHAPTER 3

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-301. Definitions.
- 18-302. Regulated.
- 18-303. Statement required.
- 18-304. Violations.

**18-301. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the city for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(2) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1982 Code, § 8-701, as renumbered by Ord. #883, July 2012)

**18-302. Regulated.** It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of

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<sup>1</sup>Municipal code references

Plumbing code: title 12, chapter 2.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

same have been approved by the Tennessee Department of Public Health, and the operation of such cross-connection, auxiliary intake, by-pass, or interconnection is at all times under the direct supervision of the superintendent of the water works of this city. (1982 Code, § 8-702, as renumbered by Ord. #883, July 2012)

**18-303. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water works a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises, until the construction and operation of same have received the approval of the Tennessee Department of Environment and Conservation, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the water works. (1982 Code, § 8-703, as renumbered by Ord. #883, July 2012)

**18-304. Violations.** Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the water works. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the water works shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1982 Code, § 8-704, as renumbered by Ord. #883, July 2012)

**CHAPTER 4****WELLHEAD PROTECTION PROGRAM****SECTION**

18-401. Adopted.

**18-401. Adopted.** A wellhead protection program is hereby adopted so that all future development shall be evaluated by the Sweetwater Utilities Board to insure that there is no negative impact on the city's water supply around the water treatment plant system near Cannon Springs and designated on the map attached to Ord. #668 as Zone 1.<sup>1</sup> All plans within Zone 1 shall be submitted to the Sweetwater Utilities Board for review and comment before final approval. (Ord. #668, July 1994, as renumbered by Ord. #883, July 2012)

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<sup>1</sup>For the Wellhead Protection Program map, see Ord. #668, dated July 14, 1994, in the office of the city recorder.

**TITLE 19**

**ELECTRICITY AND GAS**

**[RESERVED FOR FUTURE USE]**



**TITLE 20**

**MISCELLANEOUS**

**[RESERVED FOR FUTURE USE]**



APPENDIX 1

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH  
PROGRAM PLAN FOR THE EMPLOYEES OF THE CITY OF SWEETWATER

- I. Purpose and coverage.
- II. Definitions.
- III. Employers rights and duties.
- IV. Employees rights and duties.
- V. Administration.
- VI. Standards authorized.
- VII. Variance procedure.
- VIII. Recordkeeping and reporting.
- IX. Employee complaint procedure.
- X. Education and training.
- XI. General inspection procedures.
- XII. Imminent danger procedures.
- XIII. Abatement orders and hearings.
- XIV. Penalties.
- XV. Confidentiality of privileged information.
- XVI. Discrimination investigations and sanctions.
- XVII. Compliance with other laws not excused.

APPENDICES

- I. Work locations.
- II. Notice to all employees.
- III. Program plan budget.
- IV. Accident reporting procedures.

**I. Purpose and coverage.**

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of the City of Sweetwater.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Sweetwater in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees:

- a. Provide a safe and healthful place and condition of employment.

- b. Require the use of safety equipment, personal protective equipment and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the state.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.
- h. Provide reasonable opportunity for and encourage 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 which may be injurious to employees' safety and health. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

## **II. Definitions.**

For the purposes of this Program Plan, the following definitions apply:

- a. COMMISSION OF LABOR and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.

- b. EMPLOYER means the City of Sweetwater and includes each administrative department, board, commission, division, or other agency of the City of Sweetwater.
- c. SAFETY DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH or SAFETY DIRECTOR means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of the City of Sweetwater.
- d. INSPECTOR(S) means the individual(s) appointed or designated by the Safety Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Director of Occupational Safety and Health.
- e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.
- f. EMPLOYEE means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is

conducted, services are rendered, or industrial type operations are performed.

- k. **SERIOUS INJURY** or **HARM** means that type of harm that would cause permanent or prolonged impairment of the body in that:
1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced); or
  2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. **ACT** or **TOSH Act** shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. **GOVERNING BODY** means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. **CHIEF EXECUTIVE OFFICER** means the chief administrative official, County Judge, County Chairman, County Mayor, Mayor, City Manager, General Manager, etc., as may be applicable. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

### **III. Employers rights and duties.**

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from an unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist

the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all work sites to insure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this Program Plan. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

#### **IV. Employees rights and duties.**

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce

Development or whoever is responsible for the promulgation of the standard or the granting of the variance.

- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Safety Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Safety Director within twenty-four (24) hours after the occurrence. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)



**V. Administration.**

- a. The Safety Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.
  1. The Safety Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.
  2. The Safety Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Director.
  3. The Safety Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
  4. The Safety Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this Program Plan.
  5. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
  6. The Safety Director shall make or cause to be made periodic and follow-up inspections of all facilities and work sites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
  7. The Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
  8. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.
  9. The Safety Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be

responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.

1. The administrative or operational head shall follow the directions of the Safety Director on all issues involving occupational safety and health of employees as set forth in this plan.
2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Director within the abatement period.
3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Director along with his findings and/or recommendations in accordance with APPENDIX IV of this plan. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

#### **VI. Standards authorized.**

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 C.F.R. 1910 General Industry Regulations; 29 C.F.R. 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Chapter 0800-01-1 through Chapter 0800-01-11 are the standards and rules invoked. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

#### **VII. Variance procedure.**

The Safety Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Safety Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
  1. A specification of the standard or portion thereof from which the variance is sought.
  2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
  3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
  4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
  5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
  1. The employer
    - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

- ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
  - iii. Has as effective Program Plan for coming into compliance with the standard as quickly as possible.
2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
  - e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
  - f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section). (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

### **VIII. Recordkeeping and reporting.**

Record keeping and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Record keeping from the Internet. Go to [www.osha.gov](http://www.osha.gov) and click on Recordkeeping Forms located on the home page.

The position responsible for record keeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

### **IX. Employee complaint procedure.**

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time

in the future, he should report the condition to the Safety Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Safety Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his

designated representative upon request. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

**X. Education and training.**

a. Safety Director and/or Compliance Inspector(s):

1. Arrangements will be made for the Safety Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.
2. Access will be made to reference materials such as 29 C.F.R. 1910 General Industry Regulations; 29 C.F.R. 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle or use poisons, acids, caustics, toxicant, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.

4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocution; Struck by/Caught in; Trench Cave In; Heat Stress and Drowning.
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
  - i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
  - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
  - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

#### **XI. General inspection procedures.**

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful work sites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this Ordinance, the Safety Director and/or Compliance inspector(s), if appointed, is authorized:
  1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer; and
  2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigate techniques.
- g. Advance Notice of Inspections.
  1. Generally, advance notice of inspections will not be given at this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
  2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given,



employees or their authorized representative(s) will also be given notice of the inspection.

- h. The Safety Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
  - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director.
  - 2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Director.
- i. The Safety Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

## **XII. Imminent danger procedures.**

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
  - 1. The Safety Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
  - 2. If the alleged imminent danger situation is determined to have merit by the Safety Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
  - 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.

4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
  5. The imminent danger shall be deemed abated if:
    - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
    - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
  6. A written report shall be made by or to the Safety Director describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Director in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
1. Any refusal to abate an imminent danger situation shall be reported to the Safety Director and Chief Executive Officer immediately.
  2. The Safety Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

### **XIII. Abatement orders and hearings.**

- a. Whenever, as a result of an inspection or investigation, the Safety Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Director shall:
1. Issue an abatement order to the head of the worksite.
  2. Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

- b. Abatement orders shall contain the following information:
  - 1. The standard, rule, or regulation which was found to be violated.
  - 2. A description of the nature and location of the violation.
  - 3. A description of what is required to abate or correct the violation.
  - 4. A reasonable period of time during which the violation must be abated or corrected.
  
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Safety Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

#### **XIV. Penalties.**

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
  - 1. Oral reprimand.
  - 2. Written reprimand.
  - 3. Suspension for three (3) or more working days.
  - 4. Termination of employment. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

#### **XV. Confidentiality of privileged information.**

All information obtained by or reported to the Safety Director pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this

Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

**XVI. Discrimination investigations and sanctions.**

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency/safety Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a location. (Ord. #759, July 2003, as replaced by Ord. #908, Nov. 2013)

**XVII. Compliance with other laws not excused.**

- a. Compliance with any other law, statute, ordinance, or executive order, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.
- b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed. (as added by Ord. #908, Nov. 2013)

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Signature: Safety Director, Occupational Safety and Health and Date

## APPENDIX I - WORK LOCATIONS

## (ORGANIZATIONAL CHART)

CITY OF SWEETWATER	SWEETWATER UTILITY BOARD	
Police Department 208 Monroe Street Sweetwater, TN 37874 423-337-6151 Number of Employees	19	Sweetwater Utilities Board Main Office 101 Oak Street Sweetwater, TN 37874 423-337-5081 Number of Employees
		26
Fire Department  Fire Hall #1 208 Monroe Street Sweetwater, TN 37874 423-337-6880  Fire Hall #2 355 E Hwy. 322 Sweetwater, TN 37874 423-337-6724 Number of Employees	13	Electric Warehouse 203 A Street Sweetwater, TN 37874 423-337-7222 Number of Employees  Sewage Treatment Plant 1140 N. Main Street Sweetwater, TN 37874 423-337-5362 Number of Employees:
		3
City Garage 321 S. High Street Sweetwater, TN 37874 423-337-7225 Number of Employees	11	Water Filtration Plant 552 S. Main Street Sweetwater, TN 37874 423-337-7707 Number of Employees
		4
Parks & Recreation Center 134 Starrett Street Sweetwater, TN 37874 423-337-4120 Number of Employees	5	TOTAL EMPLOYEES: 55 (SUB)
City Hall 203 Monroe Street Sweetwater, TN 37874 423-337-6979 Number of Employees	7	
TOTAL EMPLOYEES:	55	
	(City Govt.)	

ORGANIZATIONAL CHART CONT.  
SWEETWATER CITY SCHOOLS

Sweetwater Primary School 500 Highway 322 East Sweetwater, TN 37874 423-337-7004	
Employees	69
Sweetwater Elementary School 301 Broad Street Sweetwater, TN 37874 423-337-7062	
Employees	43
Brown Intermediate School 135 Starrett Street Sweetwater, TN 37874 423-337-5905	
Employees	36
Sweetwater Junior High 1013 Cannon Avenue Sweetwater, TN 37874 423-337-7336	
Employees	35
Central Office 220 S. Clark Street Sweetwater, TN 37874 423-337-7051	
Employees	12
Sweetwater Teacher Center 318 S. High Street Sweetwater, TN 37874 423-337-4333	
Employees	3
TOTAL EMPLOYEES:	198

APPENDIX II -- NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF The City of Sweetwater

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Director or Board of Commissioners.

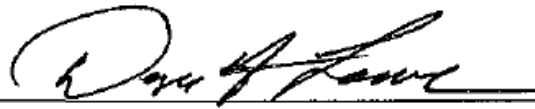
Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Board of Commissioners for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of the City of Sweetwater is available for inspection by any employee at the City Recorder's Office during regular office hours.

A handwritten signature in black ink, appearing to read "Ron H. Lane", written over a horizontal line.

Signature: (City/County) MAYOR AND DATE



APPENDIX III--PROGRAM PLAN BUDGET

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that the City of Sweetwater has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

## APPENDIX IV-- ACCIDENT REPORTING PROCEDURES

Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after the occurrence. The supervisor will provide the Safety Director and/or record keeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

Since Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for record keeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy item Number 4 listed under PROGRAM PLAN in Section V. ADMINISTRATION, Part b of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in

narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

ORDINANCE NO. 763

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF SWEETWATER TENNESSEE.

WHEREAS some of the ordinances of the City of Sweetwater are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Mayor and Board of Commissioners of the City of Sweetwater, 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 "Sweetwater Municipal Code," now, therefore:

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF SWEETWATER, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Sweetwater 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

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."<sup>1</sup>

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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.

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

**Section 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

**Section 7. Reproduction and amendment of code.** The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to 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.

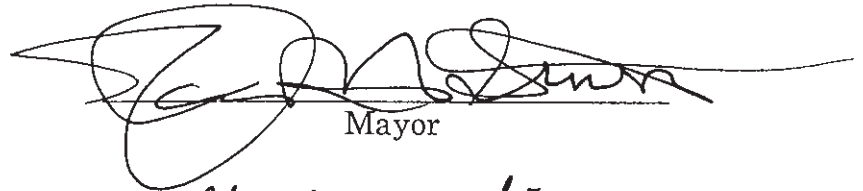
**Section 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

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.

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, February 2, 2004.

Passed 2nd reading, March 1, 2004.



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Mayor

Charlotte W. Siarnes

Recorder