

**THE  
TRENTON  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

November 1999

*Change 10*  
*November 10, 2020*

**CITY OF TRENTON, TENNESSEE**

**MAYOR**

Ricky Jackson

**ALDERMEN**

Michael Abbott  
Frank Gibson  
CeCe Jones  
Billy Wade

**RECORDER**

Leigh Ann Reynolds

## PREFACE

The Trenton Municipal Code contains the codification and revision of the ordinances of the City of Trenton, 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 Sandy Selvage, the MTAS Sr. Word Processing Specialist, who did all the typing on this project, and Tracy G. Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini  
Codification Consultant

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

Section 7. Be it further enacted, the City Council shall have the power to pass all such ordinances as may be necessary to provide for the proper government and the general welfare of the city. Such ordinances are to be passed at two meetings by a majority vote.

*Change 10*  
*November 10, 2020*

## **TABLE OF CONTENTS**

	<b><u>PAGE</u></b>
<b><u>INTRODUCTION</u></b>	
OFFICIALS OF THE CITY AT TIME OF CODIFICATION .....	ii
PREFACE .....	iii
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER .....	v

### **CHARTER**

CHARTER TABLE OF CONTENTS .....	C-1
TEXT OF CHARTER .....	C-3

### **CODE OF ORDINANCES**

CODE-ADOPTING ORDINANCE .....	ORD-1	
TITLE 1. GENERAL ADMINISTRATION .....	1-1	
<b>CHAPTER</b>		
1. CITY COUNCIL .....		1-1
2. MAYOR .....		1-4
3. RECORDER .....		1-5
4. CODE OF ETHICS .....		1-6
TITLE 2. BOARDS AND COMMISSIONS, ETC. ....	2-1	
<b>CHAPTER</b>		
1. PARK AND RECREATION BOARD .....		2-1
TITLE 3. MUNICIPAL COURT .....	3-1	
<b>CHAPTER</b>		
1. CITY COURT .....		3-1
2. CITY JUDGE .....		3-4
3. COURT ADMINISTRATION .....		3-5

	<u>PAGE</u>
4. WARRANTS, SUMMONSES AND SUBPOENAS . . . . .	3-7
5. BONDS AND APPEALS . . . . .	3-8
<b>TITLE 4. MUNICIPAL PERSONNEL . . . . .</b>	<b>4-1</b>
<b>CHAPTER</b>	
1. SOCIAL SECURITY--CITY PERSONNEL . . . . .	4-1
2. VACATIONS AND SICK LEAVE--CITY PERSONNEL . . . . .	4-3
3. MISCELLANEOUS REGULATIONS--CITY PERSONNEL . . . . .	4-5
4. TRAVEL REIMBURSEMENT REGULATIONS . . . . .	4-8
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM . . . . .	4-10
<b>TITLE 5. MUNICIPAL FINANCE AND TAXATION . . . . .</b>	<b>5-1</b>
<b>CHAPTER</b>	
1. MISCELLANEOUS . . . . .	5-1
2. REAL PROPERTY TAXES . . . . .	5-3
3. PRIVILEGE TAXES . . . . .	5-4
4. WHOLESALE BEER TAX . . . . .	5-5
<b>TITLE 6. LAW ENFORCEMENT . . . . .</b>	<b>6-1</b>
<b>CHAPTER</b>	
1. POLICE AND ARREST . . . . .	6-1
2. WORKHOUSE . . . . .	6-4
<b>TITLE 7. FIRE PROTECTION AND FIREWORKS . . . . .</b>	<b>7-1</b>
<b>CHAPTER</b>	
1. FIRE DISTRICT . . . . .	7-1
2. FIRE CODE . . . . .	7-2
3. FIRE DEPARTMENT . . . . .	7-5
4. FIRE SERVICE OUTSIDE CITY LIMITS . . . . .	7-7
5. FIREWORKS . . . . .	7-8
<b>TITLE 8. ALCOHOLIC BEVERAGES . . . . .</b>	<b>8-1</b>
<b>CHAPTER</b>	
1. INTOXICATING LIQUORS . . . . .	8-1
2. BEER . . . . .	8-10

	<u>PAGE</u>
<b>TITLE 9. BUSINESS, PEDDLERS, SOLICITORS, ETC. . . . .</b>	9-1
<b>CHAPTER</b>	
1. MISCELLANEOUS . . . . .	9-1
2. PEDDLERS, ETC. . . . .	9-3
3. CHARITABLE SOLICITORS . . . . .	9-7
4. TAXICABS . . . . .	9-9
5. POOL ROOMS . . . . .	9-13
6. CABLE TELEVISION . . . . .	9-14
7. HOUSE MOVERS . . . . .	9-15
8. SEXUALLY ORIENTED BUSINESSES . . . . .	9-16
 <b>TITLE 10. ANIMAL CONTROL . . . . .</b>	 10-1
<b>CHAPTER</b>	
1. IN GENERAL . . . . .	10-1
2. DOGS AND CATS . . . . .	10-3
 <b>TITLE 11. MUNICIPAL OFFENSES . . . . .</b>	 11-1
<b>CHAPTER</b>	
1. ALCOHOL . . . . .	11-1
2. FORTUNE TELLING, ETC. . . . .	11-3
3. OFFENSES AGAINST THE PERSON . . . . .	11-4
4. OFFENSES AGAINST THE PEACE AND QUIET . . . . .	11-5
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL . . . . .	11-8
6. FIREARMS, WEAPONS AND MISSILES . . . . .	11-9
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC . . . . .	11-10
8. MISCELLANEOUS . . . . .	11-11
 <b>TITLE 12. BUILDING, UTILITY, ETC. CODES . . . . .</b>	 12-1
<b>CHAPTER</b>	
1. BUILDING CODE . . . . .	12-1
2. PLUMBING CODE . . . . .	12-3
3. ELECTRICAL CODE . . . . .	12-5
4. GAS CODE . . . . .	12-7
5. HOUSING CODE . . . . .	12-11
6. ENERGY CONSERVATION CODE . . . . .	12-12



**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. CITY COUNCIL.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

**CHAPTER 1**

**CITY COUNCIL<sup>2</sup>**

**SECTION**

- 1-101. Time and place of regular meeting.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Agenda for regular meetings.
- 1-105. Job advertising.

**1-101. Time and place of regular meeting.** The city council shall hold regular meetings at 6:00 P.M. on the second and fourth Tuesdays of each month at the municipal building. (1983 Code, § 1-101, as amended by Ord. #251, Nov. 2007, Ord. #267, Sept. 2010, and Ord. #302, Jan. 2016)

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

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<sup>1</sup>Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references

Eligibility: § 3.

Oath of office: § 5.

Term of office: § 3.

- (1) Call to order by the mayor.
- (2) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (3) Report by the recorder.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the city council and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1983 Code, § 1-102)

**1-103. General rules of order.** The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the city council 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. (1983 Code, § 1-103, modified)

**1-104. Agenda for regular meetings.** An agenda is hereby established for each regular meeting of the city council and no business shall be transacted without being on said agenda.

A cut-off time for the agenda is hereby set for Friday noon preceding the regular Tuesday night meeting.

This section shall not be set aside except by a two-thirds vote of the members of the city council present. (1983 Code, § 1-105)

**1-105. Job advertising.** (1) All new city jobs or vacancies shall be filled by first advertising the same with job description for at least one week in a local newspaper.

(2) Whenever possible, the mayor and/or department head shall work with the Tennessee Department of Employment Security in preparation of job description, advertising, and selection.

(3) This section shall not apply to employees of the street and sanitation departments, but shall apply to all other employees of the City of Trenton.

(4) Preference shall be given to applicants who are residents of the City of Trenton. (1983 Code, § 1-106)

**CHAPTER 2****MAYOR<sup>1</sup>****SECTION**

1-201. Generally supervises municipality's affairs.

1-202. Executes municipality's contracts.

**1-201. Generally supervises municipality's affairs.** The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1983 Code, § 1-201)

**1-202. Executes municipality's contracts.** The mayor shall execute all contracts as authorized by the city council. (1983 Code, § 1-202)

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<sup>1</sup>Charter references

Compensation: § 8.

Duties: § 8.

Oath of office: § 5.

Vacancy in office: § 5.

**CHAPTER 3****RECORDER<sup>1</sup>****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

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

**1-301. To be bonded.** The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the city council. (1983 Code, § 1-301)

**1-302. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the city council and shall preserve the original copy of all ordinances in a separate ordinance book. (1983 Code, § 1-302)

**1-303. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the city council and for the city which are not assigned by the charter, this code, or the city council to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1983 Code, § 1-303)

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<sup>1</sup>Charter references

Bond required: § 8.

Duties: § 8.

Vacancy in office: § 5.

## CHAPTER 4

### CODE OF ETHICS

#### SECTION

- 1-401. Applicability.
- 1-402. Definitions.
- 1-403. Gift ban.
- 1-404. Gift ban exceptions.
- 1-405. Disposition of gifts.
- 1-406. Disclosure of personal interest by official with vote.
- 1-407. Disclosure of personal interests in nonvoting matters.
- 1-408. City recorder to maintain disclosure file.
- 1-409. Ethics complaints.
- 1-410. Violations.

**1-401. Applicability.** This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #250, Dec. 2006)

**1-402. Definitions.** For the purposes of interpreting this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

- (1) "City" means the municipality of Trenton, Tennessee.
- (2) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (3) "Immediate family" means parents, spouse and children.
- (4) "Personal interest" means:
  - (a) The holding or acquisition of any financial or ownership interest if either ten thousand dollars (\$10,000.00) or five percent (5.00%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the city, or is regulated by any agency of the city, or
  - (b) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the city has or is negotiating an acquisition, leasehold, or easement agreement, or
  - (c) Any such financial or ownership interest as defined in §§ 1-402(4)(a) and (b) of this chapter by the officer or employee's spouse or immediate family member. (as added by Ord. #250, Dec. 2006)

**1-403. Gift ban.** Except as permitted in § 1-404 of this chapter, no official or employee, nor and immediate family member of such official or employee for whom this chapter is applicable, shall intentionally or knowingly solicit or accept any gifts as defined herein. (as added by Ord. #250, Dec. 2006)

**1-404. Gift ban exceptions.** Section 1-403 of this chapter in not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or a member of his or her immediate family, pays the fair market value.

(3) Any contribution that is lawfully made to the officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars (\$50.00) per person in value on a single calendar day; provided that the food or refreshments are:

- (a) Consumed on the premises from which they were purchased or prepared; or
- (b) Catered.

For the purposes of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and inter-governmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(10) Bequests, inheritances, and other transfers at death.

(11) Ceremonial gifts or awards which have insignificant monetary value.

(12) Unsolicited gifts of nominal value or trivial items of informational value. (as added by Ord. #250, Dec. 2006)

**1-405. Disposition of gifts.** An officer or employee, his or her spouse or an immediate family member, does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (as added by Ord. #250, Dec. 2006)

**1-406. 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 the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure. (as added by Ord. #250, Dec. 2006)

**1-407. Disclosure of personal interest in nonvoting matters.** An official or employee who must exercise of discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city recorder. In addition, the official or employee may, to the extent allowed by law,

charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter. (as added by Ord. #250, Dec. 2006)

**1-408. City recorder to maintain disclosure file.** The city recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of seven (7) years after which the statements shall be destroyed. (as added by Ord. #250, Dec. 2006)

**1-409. Ethics complaints.** (1) The city attorney in designated at the ethics officer of the city. 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 laws.

(2) Except as otherwise provided in this chapter, 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 to end any activity that, in the attorney's judgment, constitutes a violation of the chapter. The city attorney may request that the city council retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.

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

(4) When a violation of this chapter also constitutes a violation of the city's personnel policies, rules or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this chapter. (as added by Ord. #250, Dec. 2006)

**1-410. 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 city charter or other applicable law and, in addition, is subject to censure by the city council. Any municipal employee who violates any provision of this chapter is subject to disciplinary action up to, and including, termination of employment. (as added by Ord. #250, Dec. 2006)



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

- 2-101. Established.
- 2-102. Membership.
- 2-103. Recreation director.
- 2-104. Removal of members--filling of vacancies.
- 2-105. Organization, quorum, minutes, meetings.
- 2-106. To act in advisory capacity.
- 2-107. To act in supervisory capacity.
- 2-108. Acquisition of property.
- 2-109. Actions by board.
- 2-110. Conflicts of interest.
- 2-111. No authority to impose liability on city.

**2-101. Established.** There is hereby established a Park and Recreation Board of the City of Trenton, Tennessee, hereinafter referred to as the board. (1983 Code, § 1-1201)

**2-102. Membership.** Said board shall consist of seven (7) members to be appointed by the city council. (1983 Code, § 1-1202)

**2-103. Recreation director.** A recreation director may be appointed by the city council with such duties and for such compensation as the said council sees fit, and should one be appointed he shall sit with the park and recreation board, participate in the deliberations of same, but shall have no vote. (1983 Code, § 1-1204)

**2-104. Removal of members--filling of vacancies.** Any one or more members of the park and recreation board may be removed by a majority vote of the city council for reasonable cause of for having failed, without reasonable excuse, to attend three or more consecutive meetings of such board. Any vacancy occurring in the membership of the board shall be filled by the city council for the unexpired remainder of the term of office of the board member whose resignation, death, or removal caused the vacancy. Such appointment

shall be made within thirty (30) days after formal notification to the city council that a vacancy exists. (1983 Code, § 1-1205)

**2-105. Organization, quorum, minutes, meetings.** The board shall from its own membership elect a chairman, vice-chairman, and a secretary, and such other officers as it may deem necessary.

(1) The minimum number of board members in attendance to constitute a quorum shall be four members.

(2) Minutes shall be kept during all meetings and a copy of same shall be filed with the city recorder periodically and not less than once each quarter.

(3) In performing the duties set forth herein, the board shall hold at least one (1) regular meeting each month. Special meetings may be called by the chairman, upon reasonable notification to all board members. All meetings shall, when practicable, be held in a city owned building and shall be open to the public. (1983 Code, § 1-1206)

**2-106. To act in advisory capacity.** As pertains to financial or budgetary matters, the board shall act in an advisory capacity only, serving as representatives of the citizens and as an adjunct to the city council concerning all things pertaining to the recreation facilities and program of the City of Trenton, Tennessee. Such advisory duties shall include recommendations of the council as to any park and recreation board budget, new site locations, improvements to parks and facilities, operational personnel, recreational program content, etc. (1983 Code, § 1-1207)

**2-107. To act in supervisory capacity.** The park and recreation board shall supervise all city parks and recreation facilities; shall establish rules and regulations for the use of such facilities; issue permits for the use of parks and recreation facilities; approve schedules of all leagues, teams and/or organizations using said facilities on an equitable basis; plan and submit to the city council annually a city park and recreation program for the city for consideration and/or adoption by the city council. The board shall issue no permit for use of any school property or facility without first obtaining the written approval of the school board. (1983 Code, § 1-1208)

**2-108. Acquisition of property.** The park and recreation board may solicit and acquire on behalf of the city, by gift or donation, any property, real or personal, for public recreational purposes, provided that prior to such solicitation and gift the city council shall officially approve the same. Title to any property acquired shall be taken in the name of the City of Trenton, Tennessee. (1983 Code, § 1-1209)

**2-109. Actions by board.** The board shall exercise its duties by and through a majority of its members, such action duly recorded in the minutes of

the board, and the chairman shall sign all papers and documents requiring the signature of the park and recreation board. (1983 Code, § 1-1210)

**2-110. Conflicts of interest.** No member of the board shall participate in any decision or matter coming before the board in which such member has a financial or monetary interest, directly or indirectly. (1983 Code, § 1-1211)

**2-111. No authority to impose liability on city.** Nothing in this chapter shall be construed as authorizing or empowering the park and recreation board or any of its members to impose any liability of any nature, financial or otherwise, upon the City of Trenton, Tennessee. (1983 Code, § 1-1212)

**TITLE 3****MUNICIPAL COURT<sup>1</sup>****CHAPTER**

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

**CHAPTER 1****CITY COURT****SECTION**

3-101. Municipal court established, etc.

**3-101. Municipal court established, etc.** (1) Municipal court established. Under the authority of T.C.A., § 16-18-201 et seq., there is established a city court for the City of Trenton, Tennessee.

(2) Jurisdiction. (a) Municipal jurisdiction. The city court 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 not to exceed \$500, or the maximum civil penalty allowed under state law, and costs prescribed by ordinance.

(b) Concurrent jurisdiction. The city judge shall also have the authority to exercise jurisdiction concurrent with courts of general sessions in all cases involving the violation of the criminal laws of the state within the corporate limits of the city, but shall exercise such jurisdiction if and only if he or she is elected in accordance with subsection (3)(b) of this section.

(3) Popular election, term, salary, etc. (a) Popular election. In accordance with Art. VII, § 5 of the Tennessee Constitution, at the August general election of 1998, and each eight years thereafter, the city judge shall be elected by the qualified voters of the city for a term of eight years, and the city judge shall take office September 1 next following his or her election. However, the office of city judge during the interim period

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<sup>1</sup>Charter reference: § 8.

between the effective date of this chapter<sup>1</sup> and September 1, 1998 shall be filled as follows:

(i) Upon the effective date of this chapter,<sup>1</sup> the board of mayor and alderman shall have the authority to appoint a city judge to serve until the next regular August election.

(ii) At the next regular August election the qualified voters of the city shall elect a city judge to serve until September 1, 1998.

(b) Qualifications. The municipal judge shall be a resident of the City of Trenton, Tennessee one year, and a resident of the State of Tennessee five years, next before his election, 30 years of age, and licensed to practice law in the State of Tennessee.

(c) Vacancies in office. Vacancies in the office of municipal judge shall be filled by the board of mayor and aldermen for the unexpired portion of the term.

(d) Salary. The salary of the city judge shall be \$7500 per year, and that salary shall not be altered during the judge's term of office. The city judge shall also be entitled to enroll in the City of Trenton's health insurance plan.

(4) Municipal court clerk. (a) Election. At the August general election in 1994, and each and every four years thereafter, the city court clerk shall be elected by the qualified voters of the city for a term of four years, and the city court clerk shall take office on September 1, next following his or her election. However, the office of city court clerk during the interim period between the effective date of this chapter<sup>1</sup> and September 1, 1994, shall be filled by the board of mayor and aldermen as follows:

(b) Qualifications. The municipal court clerk shall be a resident of the City of Trenton, Tennessee, one year next preceding his or her election, and shall continuously reside within the city during his or her term of office.

(c) Oath. The municipal court clerk shall take the oath of office prescribed for clerks of courts of general sessions.

(d) Duties. The city court clerk shall have all the powers and duties prescribed for clerks of courts of general sessions by state law.

(e) Removal. The municipal court clerk shall generally be subject to removal for the same causes public officers in general are subject to removal. In addition, the municipal court judge may remove the municipal court clerk:

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<sup>1</sup>These provisions were taken from Ordinance #181 which passed second reading April 26, 1994.

- (i) Upon conviction of a misdemeanor in office or of a felony;
- (ii) Failing to give security required by law or ordinance;
- (iii) For failing to pay over public money collected officially;
- (iv) For incapacity, neglect of duty, or misbehavior in office;
- (v) For any other cause to which the penalty of removal is attached by law. (1983 Code, § 1-501)

**CHAPTER 2****CITY JUDGE****SECTION**

3-201. City judge.

3-202. Labor in lieu of payment of fine.

**3-201. City judge.** The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1983 Code, § 1-502)

**3-202. Labor in lieu of payment of fine.** The city judge may, at his discretion, order an offender to labor within any department of the city, thereby earning a credit of \$1.00 per hour until the fine and/or costs are paid. (1983 Code, § 1-514)

## CHAPTER 3

### COURT ADMINISTRATION

#### SECTION

3-301. Maintenance of docket.

3-302. Imposition of fines, penalties, and costs.

3-303. Disposition and recording of fines, penalties, and costs.

3-304. Disturbance of proceedings.

3-305. Trial and disposition of cases.

**3-301. Maintenance of docket.** The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1983 Code, § 1-503)

**3-302. Imposition of fines, penalties, and costs.** (1) All fines, penalties, and costs shall be imposed and recorded by the municipal judge on the municipal court docket in open court. In all cases heard or determined by the municipal judge, the municipal judge shall assess as costs the sum of eighty-four dollars fifty cents (\$84.50) to which shall be added the state's litigation tax.

(2) Electronic citation regulations and fees.

(a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the allege offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207( e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction, said electronic citation fee to be in addition to the court costs set out in subsection (1) above. The clerk shall disburse the electronic citation fee as directed by the statute. (1983 Code, § 1-509, as replaced by Ord. #285, Dec. 2013, Ord. #295, Nov. 2014, and Ord. #327, Nov. 2019 *Ch10\_11-10-20*)

**3-303. Disposition and recording of fines, penalties, and costs.** All funds collected by the police department in the form of fines, penalties, costs, or forfeitures shall be receipted, recorded in the police docket and paid over to the recorder daily. (1983 Code, § 1-512)



**3-304. 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. (1983 Code, § 1-513)

**3-305. Trial and disposition of cases.** Every person charged with violating a municipal ordinance shall be entitled to a speedy trial and disposition of his case. (1983 Code, § 1-507)

## CHAPTER 4

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-401. Issuance of summonses.

3-402. Issuance of subpoenas.

**3-401. 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 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. (1983 Code, § 1-505)

**3-402. 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. (1983 Code, § 1-506)

## CHAPTER 5

### BONDS AND APPEALS

#### SECTION

3-501. Appearance bonds authorized.

3-502. Appeals.

3-503. Bond amounts, conditions, and forms.

**3-501. Appearance bonds authorized.** When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1983 Code, § 1-508)

**3-502. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1983 Code, § 1-510)

**3-503. Bond amounts, conditions, and forms.** An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1983 Code, § 1-511)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

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

1. SOCIAL SECURITY--CITY PERSONNEL.
2. VACATIONS AND SICK LEAVE--CITY PERSONNEL.
3. MISCELLANEOUS REGULATIONS--CITY PERSONNEL.
4. TRAVEL REIMBURSEMENT REGULATIONS.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

**CHAPTER 1****SOCIAL SECURITY--CITY PERSONNEL****SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
- 4-106. Employees excluded.

**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of the city to extend to employees and officials thereof, 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. (1983 Code, § 1-701)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1983 Code, § 1-702)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations,

and shall be paid over to the state or federal agency designated by said laws or regulations. (1983 Code, § 1-703)

**4-104. Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1983 Code, § 1-704)

**4-105. Records and reports to be made.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1983 Code, § 1-705)

**4-106. Employees excluded.** (1) 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.

(2) There is hereby excluded from this chapter any authority to make any agreement with respect to any employee or official, rendering services in fee-basis positions, emergency positions (as defined under federal law), employees rendering services in part-time positions, in elective legislative, executive and judicial positions, or any employee or official not authorized to be covered by applicable federal-state laws and regulations. There is also excluded from this chapter any authority to make any agreement with respect to election officials and election workers if the remuneration paid for such services is less than \$100 in a calendar year. Acting under § 2 of said emergency ordinance,<sup>1</sup> the mayor is hereby directed to amend the agreement to include under the federal system the services of employees and officials in part-time positions and in elective legislative, executive and judicial positions as of January 1, 1987, and to exclude the services of election officials and election workers if the remuneration paid for such services is less than \$100 in a calendar year, to be effective as of the date established by federal laws and regulations. (1983 Code, § 1-706)

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<sup>1</sup>The emergency ordinance referred to was passed July 24, 1951.

## CHAPTER 2

### VACATIONS AND SICK LEAVE--CITY PERSONNEL

#### SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Sick leave.
- 4-204. Leave for death in family
- 4-205. Workmen's compensation.
- 4-206. Leave records.

**4-201. Applicability of chapter.** This chapter shall apply to all full-time municipal employees. (1983 Code, § 1-801)

**4-202. Vacation leave.** All employees shall be allowed annual vacation leave with pay according to the following schedule based on the number of years of service of the employee.

1 year	-	5 days (1 week)
2 - 9 years	-	10 days (2 weeks)
10 - 19 years	-	10 days plus one (1) day for each year of service
20 and up	-	20 days (4 weeks)

Such vacation leave shall be taken during the calendar year and at a time approved by the mayor or such officer as he may designate. An employee may be paid for unused vacation leave, not to exceed one (1) week per year with the approval of the mayor.

Upon separation or retirement from the city, an employee shall be paid for unused vacation leave. (1983 Code, § 1-802)

**4-203. Sick leave.** All employees shall be given a credit of one (1) working day of sick leave with pay for each month hereafter served. Sick leave, up to the number of days accrued, shall be approved for all employees whose absence from duty is due to illness, bodily injury, or exposure to contagious disease. A doctor's certificate will be required for any absence over three (3) days due to illness.

Upon separation or retirement from the city, no employee shall be paid for unused sick leave. However, in computing a retiring employee's years of service, his/her unused sick leave will be included. (1983 Code, § 1-803)

**4-204. Leave for death in family.** Time will be given to any full-time employee, not to exceed three (3) days in which a death occurs in an employee's

family. Family shall be considered as employee's wife or husband, child, mother or father, sister or brother, mother-in-law or father-in-law, sister-in-law, brother-in-law, grandparents, or grandchildren. Time spent in attending funerals, other than above, shall be charged to vacation time.

Any reasonable amount of time will be allowed employees who are asked to participate as pallbearers. This time will not be charged against vacation time. (1983 Code, § 1-804)

**4-205. Workmen's compensation.** An employee receiving workmen's compensation benefits, resulting from an on-the-job injury, shall not be entitled to any supplemental payment from the city.

(1) An employee receiving workmen's compensation benefits shall continue to accrue one (1) day per month while incapacitated, however, if the employee receives a 100% disability and is unable to return to work the sick leave accrual shall cease.

(2) An employee receiving workmen's compensation shall be eligible for any holiday in the city's holiday schedule. (1983 Code, § 1-805)

**4-206. Leave records.** The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all time showing credits earned and leave taken under this chapter. All records shall be retained in the recorder's office. (1983 Code, § 1-806)

## CHAPTER 3

### MISCELLANEOUS REGULATIONS--CITY PERSONNEL

#### SECTION

- 4-301. Business dealings.
- 4-302. Acceptance of gratuities.
- 4-303. Outside employment.
- 4-304. Political activity.
- 4-305. Use of municipal time, facilities, etc.
- 4-306. Use of position.
- 4-307. Strikes and unions.
- 4-308. Hospitalization insurance for retired employees.
- 4-309. Hospitalization insurance for disabled employees.
- 4-310. Health insurance benefit for thirty (30) year employees.

**4-301. Business dealings.** Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1983 Code, § 1-901)

**4-302. Acceptance of gratuities.** No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1983 Code, § 1-902)

**4-303. Outside employment.** No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1983 Code, § 1-903)

**4-304. Political activity.** Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the city council. This restriction shall not



apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1983 Code, § 1-904, modified)

**4-305. Use of municipal time, facilities, etc.** No municipal employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the city council has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1983 Code, § 1-905)

**4-306. Use of position.** No municipal employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1983 Code, § 1-906)

**4-307. Strikes and unions.** No municipal employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1983 Code, § 1-907)

**4-308. Hospitalization insurance for retired employees.** The City of Trenton, Tennessee shall provide a Medicare Supplement Policy for retired employees of said city who have twenty (20) or more years of service and have reached the age of sixty five (65) years. The city may do this by the purchase of a supplemental policy rather than coverage by the retirement trust fund. The City of Trenton reserves the right, by appropriate resolution of the board of mayor and aldermen, to discontinue this supplemental coverage if it deems it so necessary. (1983 Code, § 1-908, as amended by Ord. #197, April 1997)

**4-309. Hospitalization insurance for disabled employees.** For any employee, who does not qualify for hospitalization insurance under § 4-309 and who is disabled from continuing his employment with the City of Trenton, the city shall provide hospitalization insurance for a period of ninety (90) days following the exhaustion of the employee's vacation and sick leave days, if any. (1983 Code, § 1-909)

**4-310. Health insurance benefit for thirty (30) year employees.** Any person who has been employed by the City of Trenton for thirty (30) years is eligible to retire from the city and receive health insurance benefits until said employee becomes eligible for Medicare benefits or is employed by another entity that offers health insurance. The City of Trenton reserves the right, by appropriate action of the mayor and board of aldermen, to discontinue this

health insurance benefit if it deems so necessary. (as added by Ord. #267, Dec. 2010)

## CHAPTER 4

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

- 4-401. Purpose.
- 4-402. Enforcement.
- 4-403. Travel policy.
- 4-404. Travel reimbursement rate schedule.
- 4-405. Administrative procedures.

**4-401. Purpose.** The purpose of this chapter and referenced regulations is to bring the city into compliance with Pub. Acts 1993, ch. 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (1983 Code, § 1-1301)

**4-402. Enforcement.** The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (1983 Code, § 1-1302)

**4-403. Travel policy.** (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

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

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

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

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

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

(b) Actual, reasonable, and necessary under the circumstances.

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (1983 Code, § 1-1303)

**4-404. Travel reimbursement rate schedule.** Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates.

The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (1983 Code, § 1-1304)

**4-405. Administrative procedures.** A copy of the administrative procedures is on file in the office of the city recorder. (1983 Code, § 1-1305)

## CHAPTER 5

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

#### SECTION

- 4-501. Title.
- 4-502. Purpose.
- 4-503. Coverage.
- 4-504. Standards authorized.
- 4-505. Variances from standards authorized.
- 4-506. Administration.
- 4-507. Funding the program.
- 4-508. Deleted.

**4-501. Title.** This section shall be known as Occupational Safety and Health Program for the employees of the City of Trenton. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10\_11-10-20*)

**4-502. Purpose.** The City of Trenton, in electing to update the established program plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

(1) Provide a safe and healthful place and condition of employment that includes:

(a) Top management commitment and employee involvement:

(b) Continually analyze the worksite to identify all hazards and potential hazards;

(c) Develop and maintain methods for preventing or controlling the existing or potential hazards: and

(d) Train managers, supervisors, and employees to understand 3rd 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 Deveiopment, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records oi all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

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<sup>1</sup>Appendixes to the Occupational Safety and Health Plan for the City of Trenton are available in the recorder's office.

(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. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10\_11-10-21*)

**4-503. Coverage.** The provisions of the Occupational Safety and Health Program Plan for the employees of (City/County/etc.) City of Trenton shall apply to all employees of each administrative department. commission, board, division, or other agency whether part-time or full-time. seasonal or permanent. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10\_11-10-20*)

**4-504. Standards authorized.** The Occupational Safety and Health standards adopted by the (City/County/etc.) City of Trenton 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> (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10\_11-10-20*)

**4-505. Variances from standards authorized.** The City of Trenton may upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Trenton shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as

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<sup>1</sup>State law reference

Tennessee Code Annotated title 50, chapter 3.

designated by the City of Trenton shall be deemed sufficient notice to employees. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10\_11-10-20*)

**4-506. Administration.** For the purposes of this ordinance, (Name of Official or Title) Ricky Bailey, Building Inspector 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. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10\_11-10-20*)

**4-507. Funding the program.** Sufficient funds for administering and staffing the program pursuant to this ordinance shall be made available as authorized by the (City/County/etc.) of Trenton. (as added by Ord. #275, Aug. 2012, and replaced by Ord. #325, Oct. 2019 *Ch10\_11-10-20*)

**4-508. Deleted.** (as added by Ord. #303, April 2016, and deleted by Ord. #325, Oct. 2019 *Ch10\_11-10-20*)

**TITLE 5****MUNICIPAL FINANCE AND TAXATION<sup>1</sup>****CHAPTER**

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

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

- 5-101. Depositories of municipal funds.
- 5-102. Officials authorized to deposit to and withdraw funds from municipal depositories.
- 5-103. Returned check fee.
- 5-104. Statements for public works.
- 5-105. Purchasing procedures.

**5-101. Depositories of municipal funds.** The following financial institutions are designated as depositories of municipal funds: Volunteer Bank, Trenton, Tennessee; Bank of Commerce, Trenton, Tennessee; Security Bank, Trenton, Tennessee; and Union Planters Bank of West Tennessee, Trenton, Tennessee. (Ord. #190, Feb. 1996)

**5-102. Officials authorized to deposit to and withdraw funds from municipal depositories.** The mayor, the city recorder, and the city treasurer are each authorized to endorse in the name of the City of Trenton all checks, drafts, notes, bills, certificates of deposit or other instruments and that endorsement for the purpose of negotiation, deposit or collection may be by written or stamped endorsement of the city without designation of the official making the endorsement. Any two of the mayor, the city recorder and the city treasurer are authorized to sign any and all checks, drafts and orders for the payment of money against funds of the city or deposit in any municipal depository. (Ord. #191, Feb. 1996)

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<sup>1</sup>Charter references: §§ 9 and 9A.



**5-103. Returned check fee.** A penalty of seven dollars and fifty cents (\$7.50) shall be imposed for each check returned by any bank due to "insufficient funds" or "no account." (1983 Code, § 6-101)

**5-104. Statements for public works.** All billings issued by the city recorder for materials or services not paid within 30 days shall be assessed 1½% interest per month or fraction thereof until paid. (1983 Code, § 6-102)

**5-105. Purchasing procedures.** Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of ten thousand dollars (\$10,000.00) except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Act of 1983. (Ord. #196, Jan. 1997, as amended by Ord. #209, § 1, March 2000)

## CHAPTER 2

### REAL PROPERTY TAXES

#### SECTION

5-201. When due and payable.

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

**5-201. When due and payable.**<sup>1</sup> Taxes levied by the city against real property shall become due and payable annually on the date prescribed in the city's charter. (1983 Code, § 6-201)

**5-202. When delinquent--penalty and interest.**<sup>2</sup> All real property taxes shall become delinquent on and after the date prescribed in the city's charter and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the charter.<sup>3</sup> (1983 Code, § 6-202)

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<sup>1</sup>State law references

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

<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 1/2 of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

<sup>3</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 3

### PRIVILEGE TAXES

#### SECTION

5-301. Tax levied.

5-302. License required.

**5-301. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the said act. (1983 Code, § 6-301)

**5-302. License required.** No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1983 Code, § 6-302)

## CHAPTER 4

WHOLESALE BEER TAX

## SECTION

5-401. To be collected.

**5-401. To be collected.** The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1983 Code, § 6-401)

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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.

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

1. POLICE AND ARREST.
2. WORKHOUSE.

**CHAPTER 1****POLICE AND ARREST<sup>1</sup>****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. Policemen may require assistance.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.
- 6-108. Acceptance of fines, etc.
- 6-109. Personnel actions by chief.
- 6-110. Policy and procedures manual.

**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. (1983 Code, § 1-401)

**6-102. Policemen to preserve law and order, etc.** Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1983 Code, § 1-402)

**6-103. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the city council shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1983 Code, § 1-403)

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<sup>1</sup>Municipal code reference

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

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

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1983 Code, § 1-404)

**6-105. Policemen may require assistance**. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1983 Code, § 1-405)

**6-106. Disposition of persons arrested**. Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1983 Code, § 1-406)

**6-107. Police department records**. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1983 Code, § 1-407)

**6-108. Acceptance of fines, etc**. Policemen of the City of Trenton shall not accept fines or forfeits other than at the police headquarters where an official receipt shall be issued for the same and an official record maintained thereof. It shall be the duty of the chief of police to see that this section is strictly enforced. (1983 Code, § 1-408)

**6-109. Personnel actions by chief**. It shall be the duty of the chief of police to interview all applicants for jobs within the police department and to make recommendations concerning the employment to the city council. The chief of police shall have the right to suspend any policeman for misconduct in office or for any other reason deemed proper by the chief of police until the next meeting of the city council at which time he will report his actions with the reasons therefor. Any policeman so suspended shall not be entitled to pay during the suspension unless restored by the city council. (1983 Code, § 1-409)

**6-110. Policy and procedures manual.** All police officers shall abide by the Trenton Police Department Policy and Procedures Manual as adopted by city council on October 14, 1980. (1983 Code, § 1-410)

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

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

**6-201. County workhouse to be used.** The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1983 Code, § 1-601)

**6-202. Inmates to be worked.** All persons committed to the workhouse, to the extent that their physical condition permits, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1983 Code, § 1-602)

**6-203. Compensation of inmates.** Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines and costs assessed against him.<sup>1</sup> (1983 Code, § 1-603)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 40-24-104.



**TITLE 7**

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

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

**CHAPTER 1**

**FIRE DISTRICT**

**SECTION**

- 7-101. Fire limits described.  
7-102. Display of property numbers.

**7-101. Fire limits described.** The corporate fire limits shall be and include all that area of the city zones as the central business district. (1983 Code, § 7-101)

**7-102. Display of property numbers.** In an effort to aid emergency vehicles in locating various addresses in the City of Trenton, it shall be the duty of the owner or occupant of any improved property, residential or commercial, to procure the correct street number or numbers from the Trenton Utility Department and post them on said property in a manner as to be visible from the street on which the property is located. A violation of this section shall be a misdemeanor punishable by a fine of up to \$20.00. Each separate day such violations continue shall constitute a separate offense. (1983 Code, § 7-102)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

## CHAPTER 2

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

#### SECTION

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

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,<sup>2</sup> 1994 edition with 1995 revisions, as recommended by the Southern Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code, except Section 17.03 b. of Standard Fire Prevention Code, 1982 edition, which shall be deleted through "provided that" on line three so that 17.03 b. shall read as follows: "The Fire Official shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Fire Authority having jurisdiction, and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person."<sup>3</sup> Pursuant to the requirement of Tennessee Code Annotated,

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

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

<sup>3</sup>Ordinance #110, of record in the recorder's office, provides that: Section 7-201 of the Trenton Municipal Code is revised by deleting § 17.03 b. of the Standard Fire Prevention Code wherein the same is contra to the following, and by adding the following paragraph:

"It is hereby permitted that fireworks, as allowed by the State of Tennessee, to be sold in the City of Trenton, Tennessee, on a seasonal  
(continued...)"

§ 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1983 Code, § 7-201, modified)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1983 Code, § 7-202)

**7-203. Definition of "municipality."** Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Trenton, Tennessee. (1983 Code, § 7-203)

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

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

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

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 limits as set out in § 7-101 of this code. (1983 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. (1983 Code, § 7-205)

**7-206. Variances.** The chief of the fire department may recommend to the city council 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,

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(...continued)

basis, may be used or expended in the City of Trenton, Tennessee, during the days the fireworks may be sold on a seasonal basis within said City; that is, for example, for 1985, from June 20 through July 5, 1985 and December 10, 1985 through January 2, 1986."

public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the city council. (1983 Code, § 7-206)

**7-207. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the city council 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. (1983 Code, § 7-207)

## CHAPTER 3

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

#### SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Chief to be assistant to state officer.
- 7-308. Volunteer fire crew.

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations by the city council. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the city council shall appoint. (1983 Code, § 7-301)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1983 Code, § 7-302)

**7-303. Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1983 Code, § 7-303)

**7-304. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters

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<sup>1</sup>Municipal code reference

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

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1983 Code, § 7-304)

**7-305. Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the city council. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the city council. Any fire personnel suspended or discharged has the right to appeal to city council.

All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1983 Code, § 7-305)

**7-306. Chief responsible for training and maintenance.** The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. The chief of the fire department shall arrange for each fireman to attend state or district fire schools of instruction as available. Fees, transportation and lodging shall be paid by the city upon presentation of valid receipts to the city recorder. (1983 Code, § 7-306)

**7-307. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1983 Code, § 7-308)

**7-308. Volunteer fire crew.** A volunteer fire crew, not exceeding 25 in number, shall be established and shall be paid the prevailing rate as set by council for each fire and drill session attended. Volunteer firemen are not entitled to any regular city employee benefits. (Ord. #195, Nov. 1996)

## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

#### 7-401. Rural fire service.

**7-401. Rural fire service.** No fire equipment shall be used for fighting any fire outside the corporate limits of the city unless a rural fire service contract has been properly executed and filed with the city recorder. This contract will state that the property owner will be responsible for the seven hundred fifty dollar (\$750.00) fee and contains a certification of appropriate coverage by the insurance agent. The city fire department shall not answer any call for rural fire service if the property owner has failed to file a rural service contract, unless there is a life endangered or a request is made by the state highway patrol or the sheriff's department. The owner shall be billed the seven hundred fifty dollars (\$750.00) fee and if not paid the bill shall be referred to the city attorney for collection.

There is hereby established a rural fire service list which shall take effect July 1, 1985, with an annual charge of one hundred dollars (\$100.00) per house and/or barn, payable in advance, and no rural fire shall be attended by the Trenton Fire Department unless the same is on the rural fire list. No service shall be offered beyond a five (5) mile radius of the Gibson County Courthouse, as depicted on the official rural fire service map in the recorder's office in Trenton, Tennessee. (1983 Code, § 7-307, as replaced by Ord. #273, April 2012)

## CHAPTER 5

### FIREWORKS

#### SECTION

7-501. Definitions.

7-502. Permits.

7-503. Storage or display; smoking.

7-504. Children and minors; intoxicated persons; explosion or ignition; retail sales.

7-505. Penalties.

**7-501. Definitions.** As used in this chapter, unless the context otherwise requires:

(1) "D.O.T. Class C common fireworks" means all articles of fireworks as are now or hereafter classified a D.O.T. Class C common fireworks in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles;

(2) "Municipal permit" means the written authority of the City Recorder of the City of Trenton, Tennessee, issued under the authority of this chapter;

(3) "Permit" means the written authority of the state fire marshal issues under the authority of Tennessee Code Annotated, §§ 68-104-101, et seq.;

(4) "Person" means any individual, firm, partnership or corporation;

(5) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, copartnership, or one (1) or more individuals;

(6) "Seasonal retailer" means any person permitted under this chapter to engage in the business of making retail sales of fireworks within the City of Trenton, Tennessee, from June 27 through July 4. (as added by Ord. #254, June 2008, and amended by Ord. #295, June 2014)

**7-502. Permits.** It is unlawful for any person to sell or offer for sale any item of fireworks without first having secured the required applicable permit, as a seasonal retailer, from the state fire marshal and the required municipal permit from the Trenton city recorder.

A sales clerk must be on duty to serve consumers at the time of purchase.

Permits and municipal permits issued to seasonal retailers must be displayed. No municipal permit is transferable to another person or location, unless such transfer has been approved by the Trenton city recorder.

In addition to the fee for permits charged by the state fire marshal, the fee for the municipal permit shall be fifty dollars (\$50.00) for each day fireworks are sold by the seasonal retailer. (as added by Ord. #254, June 2008)



**7-503. Storage or display; smoking.** Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes, within ten (10) feet of where the fireworks are offered for sale is declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "Fireworks--No smoking" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use, unless such paints, oils or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

All firework devices that are readily accessible to handling by consumers or purchasers shall have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses shall be exempt from this provision. (as added by Ord. #254, June 2008)

**7-504. Children and minors; intoxicated persons; explosion or ignition; retail sales.** To purchase any Class C common fireworks, a person must be at least sixteen (16) years of age. Any person sixteen (16) or seventeen (17) years of age who wishes to purchase Class C common fireworks must provide proof of age to the retailer or seasonal retailer by presenting a state-issued photo identification or be accompanied by an adult. It is unlawful to offer for retail sale or to sell any Class C common fireworks to any person under sixteen (16) years of age or to any intoxicated or irresponsible person.

It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, asylum, public school or within two hundred feet (200') of where fireworks are stored, sold, or offered for sale.

No person shall ignite or discharge any permissible articles of fireworks within or thrown any permissible articles of fireworks from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

It is unlawful to explode or ignite fireworks after 10:00 P.M.

It is unlawful to explode or ignite fireworks in city streets.

It is unlawful to explode or ignite fireworks except for the time periods set out in § 7-501(6).

Fireworks may only be exploded or ignited upon property owned by the consumer or upon property whose owner has given expressed permission.

No bottle rockets may be sold, exploded or ignited within the City of Trenton. (as added by Ord. #254, June 2008, and replaced by Ord. #289, June 2014)

**7-505. Penalties.** Violation of this chapter shall be punishable by a fine of fifty dollars (\$50.00) for each occurrence or as set out in Tennessee Code Annotated. (as added by Ord. #254, June 2008)

**TITLE 8**

**ALCOHOLIC BEVERAGES<sup>1</sup>**

**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

**CHAPTER 1**

**INTOXICATING LIQUORS**

**SECTION**

- 8-101. Definitions.
- 8-102. Scope of chapter.
- 8-103. State laws to be complied with.
- 8-104. Restrictions on operators of retail liquor stores.
- 8-105. Municipal license.
- 8-106. Regulation of sales.
- 8-107. Location restrictions.
- 8-108. Retail store restrictions.
- 8-109. Inspection fees.
- 8-110. Content of application to city for certificate of good moral character.
- 8-111. Certificate of good moral character.
- 8-112. Restriction on number of stores.
- 8-113. Processing applications.
- 8-114. Advertising.
- 8-115. Public drinking and display prohibited.

**8-101. Definitions.** Whenever used in this chapter, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverages" and "intoxicating liquor" means and includes alcohol, spirits, liquor, wine und every liquid containing alcohol, spirits, wine, and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two (2) contains an alcoholic content of less than eight percent (8%) by weight.

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

(3) "Retailer" or "dealer" means any person who sells at retail any beverage covered by this chapter.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

(4) "Person" means any natural person as well as any corporation, partnership, firm or association.

(5) "City commission" refers to the "Board of Aldermen of the City of Trenton."

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

(7) "Domicile" means and includes present and continuous actual physical residence with an established permanent residence.

(8) Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural. (1983 Code, § 2-101, as amended by Ord. #309, Feb. 2017)

**8-102. Scope of chapter.** It shall be unlawful to store, transport, sell, give away, distribute, possess, and receive alcoholic beverages in the city unless provisions of this chapter and the law of the State of Tennessee and the State Rules and Regulations of the Alcoholic Beverage Commission have been complied with.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession, or receipt of or tax upon any beverage of alcoholic content of five (5) percent by weight or less, and no ordinance related thereto is modified by this chapter. (1983 Code, § 2-102)

**8-103. State laws to be complied with.** No person, firm, corporation, association, or partnership shall engage in retail liquor business unless all the necessary state licenses and permits have been obtained. (1983 Code, § 2-103)

**8-104. Restrictions on operators of retail liquor stores.** (1) No person, member of a firm, corporation, limited liability company or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointed or elected, or who is a public employee, either national, state, city or county. It shall be unlawful for any such person to have any interest in such retail business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

(2) Domicile. The owner or operator of a retail store for the sale of alcoholic beverages as herein defined shall meet one (1) of the following requirements:

(a) Domiciled in Gibson County, Tennessee; or

(b) Have been a qualified voter in a municipal election for the City of Trenton, Tennessee, for not less than one (1) year.

In the case of a corporation, limited liability company, firm, association or partnership, at least one of its officers, stockholders, members or partners must satisfy the requirements of this subsection.

(3) Citizenship. Any person who owns or is employed in the storage, sale, or distribution of alcoholic beverages shall meet the citizenship requirements of the State of Tennessee Alcoholic Beverage Commission.

(4) Age limit. No retailer or any employee thereof engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer or employee to permit any such person under said age in his place of business to engage in the sale of alcoholic beverages. Further, it shall be unlawful for any minor to misrepresent his age in purchasing or attempting to purchase alcoholic beverages.

(5) Employees. No retailer shall employ in the sale, storage, or distribution of alcoholic beverages any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude or of any law regulating intoxicating liquors, and in case an employee should be so convicted he shall immediately be discharged.

(6) Transfer or sale of license. The holder of a license may not sell, assign or transfer such license to any other person, and said license shall be good and valid only for the calendar year in which the same was issued.

(7) Disclosure of interest. It shall be unlawful for any person to have ownership in or to be a partner in or a stockholder, member, director, or officer, or to participate directly or indirectly in the profits of any business for which a license is granted hereunder, unless his interest in said business and the nature, extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of the license unless it shall have been fully disclosed in writing by supplement to the application filed with the city recorder and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to make full disclosure whether he himself signs or prepares the application, or whether the same is prepared by another; or if such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of said interest shall be upon both the seller and purchaser.

(8) Restrictions cumulative. The provisions of this section shall be in addition to any other restrictions or conditions which may appear elsewhere in the provisions of this chapter. (1983 Code, § 2-104, as replaced by Ord. #288, May 2014)

**8-105. Municipal license.** (1) Before any person shall engage in the sale of alcoholic beverages, a privilege license must be obtained from the city recorder and the fee for said license shall be \$250.00 per calendar year. The fee for a license issued on or after July 1 in any calendar year for the remainder of the year shall be \$125.00. All city license fees shall be paid to the city recorder and the city recorder shall not issue any receipt or accept the city license fee until the applicant has qualified as the licensee under the state statutes and state rules and regulations and has exhibited to the city recorder the state retailers license issued to the applicant by the state alcoholic beverage commission or the city council.

(2) In addition to subsection (1), above, there shall be levied on the business a privilege license tax in accordance with the provisions of the "Business Tax Act" as enacted by the 87th General Assembly of Tennessee by Pub. Acts 1971, ch. 387, as amended. (1983 Code, § 2-105)

**8-106. Regulation of sales.** (1) Hours of sales on weekdays. Retail dealers in alcoholic beverages shall not engage in the sale of such beverages except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

(2) Sales on Sundays. No retailer shall sell or give away any alcoholic beverages between 11:00 P.M. on Saturday and 8:00 A.M. on the following Monday on each week.

(3) Sales to minors. No retailer shall sell or give away any alcoholic beverages to any person under twenty-one (21) years of age, and it shall be unlawful for such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21).

(4) Sales on holidays. No retailer shall sell or give away any alcoholic beverages on the following holidays: Christmas and Thanksgiving, Labor Day, New Years Day and the Fourth of July. If Christmas, New Year's Day or the Fourth of July fall on Sunday liquor stores may open on the following Monday per decision rendered by State of Tennessee, Office of Attorney General dated June 24, 1982.

(5) Keeping an unsealed bottle or container. No retailer of alcoholic beverages shall keep or permit to be kept upon his premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(6) Sales to persons intoxicated. No retailers shall sell or give away any alcoholic beverages to any person who is drunk, nor shall any retailer sell or give away any alcoholic beverages to any person accompanied by a person who is drunk.

(7) Sales on credit. No holder of a permit for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered any alcoholic beverages on credit.

(8) Unstamped merchandise. No retailer shall own, store, or possess upon the premises any unstamped merchandise required by laws of the State of Tennessee to have affixed thereto revenue stamps of the state.

(9) Political advertising. No political advertising of or for any candidate or party by poster, handout card, matches or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(10) Consumption on the premises. No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller.

(11) It shall be unlawful for any person under the age of twenty-one (21) years to purchase, possess or transport beer or other alcoholic beverages within the corporate limits of the City of Trenton, Tennessee.

(12) It shall be unlawful for any person to consume beer or other alcoholic beverages in any automobile within the corporate limits of the city. (1983 Code, § 2-106)

**8-107. Location restrictions.** It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Trenton unless said location of the liquor store shall be in either zone B-1, B-2, B-3, or B-4, as appears on the Official Zoning Map of the City of Trenton on the date of application. In no event will such store be allowed when it is two hundred and fifty (250) feet or nearer to the nearest property line of any church, school, public playground, or public library as measured in a straight-line from the nearest property line of said liquor store to the nearest property line of such church, school, public playground, or public library. No more than one (1) liquor store shall be located in the same city block with a church. A city block shall be the linear distance between adjacent intersections along the same street. (1983 Code, § 2-107)

**8-108. Retail store restrictions.** No retail store shall be located except on the ground floor and it shall have one main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereinafter provided. When a retail store is located on the corner of two streets, such retail store may maintain a door opening on each of the public streets. Provided, however, that any salesroom adjoining the lobby of a hotel or other public building may maintain an additional door into such lobby, so long as same shall be open to the public. In addition, to the fullest extent consistent with the nature of the establishment, full, free, and unobstructed vision shall be afforded from the street and public highway to the interior of the place of the sale or dispensing of alcoholic beverages there sold or dispensed. Said building shall be of a permanent type of construction and no store shall be located in a mobile home or other moveable type of building. Said store shall have night lighting all around the outside of the premises, and shall be equipped with a burglar alarm system on the inside of the premises and shall be of a minimum size of 900 square feet. No retail store shall be permitted unless outside the main building but on the premises between the building and the main street adjacent to the premises there is sufficient space on a paved surface for the parking of at least five (5) automobiles, exclusive of parking spaces for employers and employees of the store, except in the central business district. All retail sales shall be confined to the premises of the licensee and no curb service shall be permitted nor shall there be permitted drive-in windows. (1983 Code, § 2-108)

**8-109. Inspection fees.** (1) Definitions. For the purposes of this section, the material words and phrases shall have the meanings respectively ascribed to them under Tennessee Code Annotated, § 57-3-101.

(2) Amount. For the purposes of providing a means of regulating, inspecting, and supervising the liquor business in the City of Trenton, there is hereby levied and imposed upon each licensed retailer of alcoholic beverages as defined by Tennessee Code Annotated, § 57-3-101 located within the corporate limits of the City of Trenton an inspection fee at the rate of 8% of the wholesale price of alcoholic beverages supplied by any wholesaler to such retailer. The fee shall be measured by the wholesale price of the alcoholic beverage or wine sold by all such wholesalers and paid by all such retailers and shall be 8% of such wholesale price.

(3) Collection by wholesaler from retailer. The inspection fee shall be collected by the wholesaler from the retailer and after the passage of this chapter, pursuant to notice by the recorder of the City of Trenton. The inspection fee shall be collected by the wholesaler at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(4) Fees to be held until paid to city. Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the City of Trenton as hereinafter provided.

(5) Monthly report - payment. Each wholesaler making sales to retailers located within the corporate limits of the City of Trenton shall furnish the City of Trenton a report monthly, which report shall contain the following:

- (a) The name and address of the retailer;
- (b) The wholesale price of the alcoholic beverages sold to such retailer;
- (c) The amount of tax due under this section; and
- (d) Such other information as may be required by the recorder

of the City of Trenton. The monthly report shall be furnished to the recorder of the City of Trenton not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the City of Trenton shall be paid to the City of Trenton at the time the monthly report is made. Wholesalers collecting and remitting the inspection fee to the City of Trenton shall be entitled to reimbursement for this collection service a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the City of Trenton.

(6) Failure to report and remit fees. Each wholesaler who fails to collect and/or remit the inspection fee imposed hereunder shall be liable for a penalty of ten percent (10%) of the fee due the City of Trenton which shall be payable to the City of Trenton.



The City of Trenton shall have the authority to audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of said monthly reports.

(7) Disposition of fees. All monies collected pursuant to this section shall be deposited by the recorder in a separate, special account. (1983 Code, § 2-109)

**8-110. Content of application to city for certificate of good moral character.** Each applicant for a certificate of good moral character shall file an application for same on a form provided by the City of Trenton. Such application shall be accomplished by instructions thereon. A copy of each application form, questionnaire, partnership agreement or any other form or material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, shall be attached to the city application form and shall become a permanent part thereof as if fully and completely copied verbatim therein. The city attorney shall review the applications and notify the applicants, the city council and mayor of any errors or insufficiencies noted on the applications. The application form for a certificate of good moral character shall be signed and verified as to all owners, partners, stockholders, directors or otherwise and shall reflect the name of all persons having any financial interest in and to said proposed liquor store; and no sale, transfer or gift of any interest of any nature, either financial or otherwise, shall be made without first obtaining the written approval of the city council and the issuance of a certificate of good moral character to said proposed owner, stockholder, partner, director or otherwise. If at any time the applicable state statutes shall be changed so as to dispense with the requirement of a certificate of good moral character, no original or renewal license shall be issued until an application in the same form has been filed with the city recorder. (1983 Code, § 2-110)

**8-111. Certificate of good moral character.** A certificate of good moral character shall be signed by a majority of the city council while in session and conditioned upon the applicant fulfilling the following requirements:

(1) The applicant or applicants who are to be in actual charge of the business are to be of good moral character and are to be personally known to a majority of the city council, or it is found that the applicant's general character is good.

(2) If a corporation, partnership, association, or firm, the executive officers or those in control are to be of good moral character and personally known to a majority of the city council.

(3) The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulate the control of intoxicating liquors, within ten (10) years prior to the date of this application.

(4) An application for a certificate of good moral character must be submitted by all owners, partners, stockholders or directors of said store, whether same is a firm, partnership or corporation and the failure to reveal the financial interest of any person or corporation shall be grounds for the denial of the certificate of good moral character and/or the revocation of the said certificate of good moral character. No application shall apply either individually or as a member of a partnership, now as a stockholder, officer or director on more than one application of a corporation.

(5) Each applicant at the time of filing an application for a certificate of good moral character, shall pay an application fee of twenty-five dollars (\$25.00) to partially defray the cost of investigation and processing of said application. (1983 Code, § 2-111)

**8-112. Restriction on number of stores.** There shall be no more than three (3) retail stores for the sale of alcoholic beverages as hereinabove defined. (1983 Code, § 2-112)

**8-113. Processing applications.** (1) All applications submitted in accordance with the Trenton Municipal Code shall be filed with the city recorder at least ten (10) days prior to a regular or special called meeting. The city council shall review the application and take appropriate action in accordance with the Trenton Municipal Code.

(2) Applications for renewal of licenses by the licensee will be processed in the same manner and under the same conditions as a new application.

(3) Applications for an employee's permit to serve as an employee in the place of business of a retail liquor store under the provision of Tennessee Code Annotated, § 57-3-204 shall submit the name of such employee to the Chief of Police of the City of Trenton. (1983 Code, § 2-113)

**8-114. Advertising.** There shall be no advertising of any kind whatsoever outside the building on the premises where alcoholic beverages are sold except as hereinafter set out. There may be placed on the building or premises a sign or signs, not exceeding two (2) in number, denoting the name of said liquor store. The name of said store shall not contain any word or words denoting the product or beverage to be sold by said store. No such sign shall contain letters of neon or electrical material or apparatus so as to produce lighting within the letters themselves, and said sign shall not have any type or form of blinking or flashing lights.

In no event shall such sign use the word or words intended to denote a type or brand of alcoholic beverage which might be obtained on the inside of the building on the premises. Except as set forth above there shall not be on the premises where said alcoholic beverages are sold any sign or advertisement of

any nature whatsoever intended to advertise or promote the sale of any alcoholic beverage within the corporate limits of the City of Trenton, Tennessee.

There shall be no illuminated signs of any nature in the interior of said liquor stores within three feet of the windows or front door of said liquor stores. In addition to the provisions of this chapter, all liquor stores must also comply with all other ordinances relative to the control of signs and other advertisements within specific areas of the corporate limits of the City of Trenton, Tennessee, as have been or may be hereafter adopted by the City of Trenton, Tennessee. (1983 Code, § 2-114)

**8-115. Public drinking and display prohibited.** It shall be unlawful for any person to drink any alcoholic beverages or physically and openly possess, display, exhibit, or show an unsealed bottle containing any alcoholic beverage in the parking area of any drive-in restaurant or on any public street or sidewalk, or in any public park, playground, theater, stadium, school, or schoolground. (1983 Code, § 2-115)

## CHAPTER 2

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

#### SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Beer permits shall be restrictive.
- 8-209. Limitations upon issuance of beer permits.
- 8-210. Limitation on number of permits.
- 8-211. Contents of application for permit; qualification of applicant and employees; application fee.
- 8-212. Suspension, revocation, expiration, or renewal of permits.
- 8-213. Permits for hotels, clubs, lodges.
- 8-214. All fees and taxes required to be paid.
- 8-215. Permit to be displayed.
- 8-216. Permits not transferable.
- 8-217. Certain activities by permittees prohibited.
- 8-218. Sale authorized to permittees only.
- 8-219. Hours for furnishing and/or consuming on license premises.
- 8-220. Sale on Sunday restricted.
- 8-221. Sanitation requirements and standards for license premises; inspections; placement of signs.
- 8-222. Unobstructed view into licensed premises required.
- 8-223. Consumption in an automobile.
- 8-224. Violation of chapter as grounds for suspension or revocation of permit.

**8-201. Beer board established.** There is hereby established a beer board to be composed of all the members of the city council. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. (1983 Code, § 2-201)

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<sup>1</sup>State law reference

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

**8-202. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings before each regular meeting of the city council at the city hall whenever there is business to come before the beer board. An adjourned or special meeting of the beer board may be called by its chairman provided he gives a reasonable notice thereof to each board member and there is a reasonable and just cause for such an additional session, and proper public notice shall be given. Whenever there is an application for a tavern permit, at least ten (10) days notice of the time and place of the beer board meeting shall be given by at least one publication in a newspaper of general circulation in the city. (1983 Code, § 2-202)

**8-203. Record of beer board 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 date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1983 Code, § 2-203)

**8-204. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1983 Code, § 2-204)

**8-205. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing, premise location and distributing of beer within the City of Trenton in accordance with the provisions of this chapter. (1983 Code, § 2-205, as amended by Ord. #199, Oct. 1997)

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales and other malt liquors having an alcoholic content of not more than eight percent (8%) by weight. (1983 Code, § 2-206, as replaced by Ord. #309, Feb. 2017)

**8-207. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store, or distribute beer without first making application to and obtaining a permit from the beer board. In his application the applicant shall certify that he has read and is familiar with the provisions of this chapter.

The beer board shall consider, in chronological order, the applications for beer permits as they are filed. (1983 Code, § 2-207)

**8-208. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. Permit types will be as follows:

- (1) Tavern (for on-premise consumption);
- (2) Package for (off-premise consumption);
- (3) Restaurants for on-premise consumption with at least fifty percent (50%) of gross sales being food. (1983 Code, § 2-208, amended by Ord. #199, Oct. 1997, and replaced by Ord. #296, Nov. 2014)

**8-209. Limitations upon issuance of beer permits.** No permit shall be issued by the beer board:

- (1) In violation of any provisions of state law.
- (2) In violation of the zoning ordinance of the City of Trenton.
- (3) To any person who is not a citizen of the United States or to any syndicate or association unless all such members are citizens of the United States.
- (4) At any location where the sale of beer or other beverages will cause congestion of traffic, interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety and morals. In no event shall such business be permitted within three hundred feet (300') of any church, school, public playground, or library, measuring the nearest point. (1983 Code, § 2-209, as amended by Ord. #199, Oct. 1997, Ord. #239, March 2003, and Ord. #297, Nov. 2014)

**8-210. Limitation on number of permits.** The number of permits for taverns as defined in § 8-208 shall be limited to nine (9). (Ord. #192, Feb. 1996, as replaced by Ord. #237, March 2003)

**8-211. Contents of application for permit; qualifications of applicant and employees; application fee.** (1) Before any permit is issued by the beer board, the applicant therefor shall file with the beer board a sworn petition in writing on forms prescribed by and furnished by the board and shall establish the following:

- (a) The location of the premises at which the business shall be conducted.
- (b) That no person will be employed in the storage or sale of such beverages except those who are citizens of the United States.
- (c) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.

(d) That no sale of such beverages will be made except in accordance with the permit granted.

(e) That if the application is for a permit to sell "not for consumption on the premises," no sale will be made for consumption on the premises and that no consumption will be allowed on the premises.

(f) That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons hereto connected with the violation of liquor laws to loiter around the place of business. For purpose of this chapter minor is defined to mean a person under 21 years of age.

(g) The beer board may require the applicant to secure a certificate or a statement from the building inspector that the premises which the application covers meet the requirements of § 8-221 of this chapter.

(h) That the applicant will not allow any beer with an alcoholic content greater than such weight, volume, or alcoholic content as allowed by the laws of the State of Tennessee, to be consumed or sold on his premises.

(i) That neither the applicant nor any persons employed or to be employed by him in such distribution or sale of such beverage have ever been convicted of any violation of the law against prohibition, sale, manufacture or transportation of intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years.

(j) That the applicant will conduct the business in person for himself or, if a manger is to run said business, manager will meet the same requirements as applicant. It will be applicants responsibility to file any change in management with the beer board. If the applicant is acting as agent, the applicant shall state the person, firm, or corporation, syndicate, association, or joint stock companies for whom and only for whom, the applicant intends to act.

(k) That no beer shall be sold from coin-operated dispensers.

(2) No wholesaler, or retailer, or any employee thereof, engaged in the physical storage, sale, or distribution of alcoholic beverages shall be a person under the age of eighteen (18) years and it shall be unlawful for any wholesaler or retailer to employ any person under eighteen (18) years of age for the physical storage, sale or distribution of alcoholic beverages, or to permit any such person under said age in its place of business to engage in the manufacture, storage, sale or distribution of alcoholic beverages.

(3) Each applicant at the time of filing an application for a permit as provided hereunder shall pay an application fee of five dollars (\$5.00), plus the expense for newspaper advertisement of public notice. No such application shall be considered until said fee and advertisement expense have been paid to the city recorder. The beer board shall have thirty (30) days after the filing of an

application with the city recorder in which to investigate the applicant and his premises. After the application has been approved, there will be a two hundred fifty dollar (\$250.00) permit fee that is non-refundable or transferable, applicable business license charges, plus an annual privilege tax of one hundred dollars (\$100.00) to be prorated for the first calendar year.

(4) Each license shall be issued to an individual to conduct the business at the location set forth and specified in said application. Any change in location of said business may be made only with the consent and permission of the beer board. A new application must be processed to cover the change in location and a recorder's fee of five dollars (\$5.00) will be charged. The board has the prerogative of waiving the nonrefundable deposit for change in location. (1983 Code, § 2-210, as amended by Ord. #199, Oct. 1997, modified, Ord. #238, March 2003, Ord. #272, April 2012, and Ord. #290, June 2014)

**8-212. Suspension, revocation, expiration, or renewal of permits.**

(1) All permits subject to suspension, revocation. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

(2) Authority of board. The 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 his permit should not be revoked for the violation of the provisions of this chapter or the provisions of the state beer act.

(3) Complaints. Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board.

(4) Notice to appear; contents; service. When the board shall have reason to believe that any permit holder shall have 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 said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department of the city. The notice shall be served upon the permittee at least five (5) days before the date of the hearing.

(5) 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 for a period of time, depending on the seriousness of the infractions. As to minor infractions that period shall be



90-180 days; as to major infractions that period shall be 181-365 days. (1983 Code, § 2-211)

**8-213. Permits for hotels, clubs, lodges.** It shall be lawful for the beer board to issue a permit for the sale of any beverage coming within the provisions of this chapter to hotels, clubs, or lodges, subject to the limitations and restrictions contained in the state law and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit required by this chapter. (1983 Code, § 2-212)

**8-214. All fees and taxes required to be paid.** Each applicant granted a permit to sell any beverage coming within the provisions of this chapter shall, before engaging in such sale, pay all proper city taxes and business fees. (1983 Code, § 2-213)

**8-215. Permit to be displayed.** The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1983 Code, § 2-214)

**8-216. Permits not transferable.** Permits issued under the provisions of this chapter are not transferable, either as to location or as to successor by purchase or otherwise, of the business for which the permits was issued, and in either case a new permit is required in the manner provided herein. (1983 Code, § 2-215)

**8-217. Certain activities by permittees prohibited.** It shall be unlawful and it is hereby declared to be a misdemeanor for any person engaged in the business regulated hereunder:

- (1) To make, or to permit to be made, any sales or distribution of such beverages to minors or to persons intoxicated;
- (2) To knowingly sell or distribute such beverages to persons who are feeble minded, insane, or otherwise mentally incapacitated;
- (3) To fail to provide proper sanitary facilities where such beverage is permitted to be consumed on-premises;
- (4) To permit minors or disorderly or intoxicated persons to loiter on the premises;
- (5) To permit any person to be employed on the premises in violation of any provision of this chapter;
- (6) To permit any employee of the license holder to dispense, serve, sell or give away alcoholic beverages which term means and includes alcohol, spirits, liquor and wine with an alcoholic content of more than five (5) percent by weight;

(7) To make purchases for resale from any source other than a local beer distributor. (1983 Code, § 2-216, modified)

**8-218. Sale authorized to permittees only.** It shall be unlawful for any wholesaler or distributor of beer, or any of their salesmen or representatives, to sell or deliver beer enroute, or from delivery vehicles, to any persons other than the holder of valid retail beer permits and it shall be the duty of such wholesaler, or distributor, their salesmen or representatives, to ascertain whether or not each purchaser is a holder of a valid retail beer permit. (1983 Code, § 2-217)

**8-219. Hours for furnishing and/or consuming on licensed premises.** (1) It shall be unlawful to sell or offer for sale any beer, ale, or other malt beverage in the municipality between the hours of 1:00 A.M. and 6:00 A.M. the following morning.

(2) It shall be unlawful for any person or persons to possess or consume any beer, ale or other malt beverages upon the premises of any business or establishment licensed to sell said beer, ale, or other malt beverages, except during the hours that beer, ale and other malt beverages may be lawfully sold by said business.

(3) It shall be unlawful for the owner or employee of any establishment licensed to sell beer, ale or other malt beverages to allow any person or persons except the owner or employees of said establishment to remain or be in said establishment except during those hours that said establishment may sell said beer, ale or other malt beverages. This subsection shall not apply to any establishment or business if more than seventy-five percent (75%) of its revenue is derived from the sale of food or other merchandise. It shall be the duty and responsibility of the owner or employee of said establishment to submit such proof as may be required by the city recorder to establish that the majority of the income from said business is derived from the sale of food or other merchandise for the issuance of the special permit to allow the operation of said business during the hours when said beer, ale or other malt beverages may not be legally sold. (1983 Code, § 2-218, as amended by Ord. #199, Oct. 1997)

**8-220. Sale on Sunday restricted.** (1) It shall be unlawful to sell or offer to sell beer, ale, or other malt beverages in the city for on-premise consumption between the hours of 1:00 A.M. Sunday morning and 6:00 A.M. on Monday morning of each week.

(2) It shall be unlawful to sell or offer to sell beer, ale or other malt beverages in the city for off-premise consumption between the hours of 1:00 A.M. Sunday morning to 12:00 noon on Sunday and between the hours of 6:00 P.M. Sunday to 6:00 A.M. Monday morning of each week; that is, it shall be lawful to sell or offer to sell beer, ale or other malt beverages in the city for

off-premise consumption between the hours of 12:00 noon on Sunday to 6:00 P.M. on Sunday of each week.

(3) Violation of this section shall subject the beer license holder to revocation proceedings, pursuant to proceedings set out in § 8-212 before the city council. At said proceedings, the following guidelines shall apply:

- (a) First offense: Thirty (30) days revocation of beer license.
- (b) Second offense: Three (3) months revocation of beer license.
- (c) Third offense: One (1) year revocation of beer license.

For good cause, council may deviate from the above guidelines. (1983 Code, § 2-219, as replaced by Ord. #263, June 2009)

**8-221. Sanitation requirements and standards for licensed premises; inspections; placement of signs.** (1) Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary condition, the requirements of which shall be the equivalent of that required for a rating of class "B" or better as established by the Tennessee state department of conservation, division of hotels and restaurant inspections.

(2) The city building inspector or any person appointed by the beer board is hereby authorized to enter the premises of a permittee, at all reasonable hours, for the making of such inspections as may be necessary.

(3) Any holder of a beer permit shall not advertise beer by signs or displays located on, attached to, or extending over the public sidewalks or public rights of way. (1983 Code, § 2-220)

**8-222. Unobstructed view into licensed premises required.** It shall be unlawful for any person to, in any way or manner, obstruct the vision of any glass window or door in any public building within the corporate limits of the city in which beer is sold, at a distance lower than thirty-six (36) inches from the bottom of such glass in the window or door. (1983 Code, § 2-221)

**8-223. Consumption in an automobile.** It shall be unlawful for any person to consume beer or other alcoholic beverage in any automobile within the corporate limits of the city. (1983 Code, § 2-222)

**8-224. Violation of chapter as grounds for suspension or revocation of permit.** Each day's violation of each or any provision of this chapter by any permit holder, or each sale made in violation of any provision of this chapter shall constitute a separate misdemeanor for which the permit issued hereunder may be suspended or revoked in addition to any fine imposed under the general penalty clause for this code. (1983 Code, § 2-223)

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

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. CABLE TELEVISION.
7. HOUSE MOVERS.
8. SEXUALLY ORIENTED BUSINESSES.

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

- 9-101. "Going out of business" sales.
- 9-102. Attachment of signs, banners, etc., to utility poles.

**9-101. "Going out of business" sales.** It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1983 Code, § 5-101)

**9-102. Attachment of signs, banners, etc., to utility poles.** It shall be unlawful for any person, persons, firm, company or corporation to attach by use of wire, nails, staples, twine, or by any other means, any sign, poster, advertisement, or placard to any utility pole within the city, whether said pole be owned by the city or otherwise.

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

Each sign, poster, advertisement, or placard erected in violation hereof shall constitute a separate offense.

It shall also be unlawful for any person, persons, firm, company, or corporation to erect any banner or advertisement by means of rope, wire, or any other device attached to any utility pole or poles within the city, whether such pole be owned by the city or otherwise, without first having obtained from the recorder a written permit. The permit shall set out the number, location, height, manner of attachment, and required removal date of any such banners or advertisements so permitted.

The recorder shall require a cash bond or deposit, in such amount as he deems proper, up to the sum of \$250.00, to guarantee the timely removal of any such permitted banner or advertisement. The recorder shall upon proof of removal refund the deposit less \$10.00.

Each separate banner or advertisement erected in violation hereof shall constitute a separate offense. (1983 Code, § 5-102)

## CHAPTER 2

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

#### SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

**9-201. Permit required.** It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1983 Code, § 5-201)

**9-202. Exemptions.** The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1983 Code, § 5-202)

**9-203. Application for permit.** Applicants for a permit under this chapter must provide the city recorder with the following information:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

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

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance and, if so, the nature of the offense and the punishment or penalty assessed therefor.

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of ten dollars (\$10.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1983 Code, § 5-203)

**9-204. Issuance or refusal of permit.** (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1983 Code, § 5-204)

**9-205. Appeal.** Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the city council. 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. (1983 Code, § 5-205)

**9-206. Bond.** Every permittee shall file with the city recorder a surety bond running to the city in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this city and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given. The surety may be relieved without costs of all further liability by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced. (1983 Code, § 5-206)

**9-207. Loud noises and speaking devices.** No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1983 Code, § 5-207)

**9-208. Use of streets.** No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1983 Code, § 5-208)

**9-209. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any policeman or citizen. (1983 Code, § 5-209)

**9-210. Policemen to enforce.** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1983 Code, § 5-210)



**9-211. Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the city council after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) The mayor may suspend a permit pending the revocation hearing when reasonably necessary in the public interest. (1983 Code, § 5-211)

**9-212. Reapplication** No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1983 Code, § 5-212)

**9-213. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1983 Code, § 5-213)

## CHAPTER 3

### CHARITABLE SOLICITORS

#### SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.
- 9-305. Signs required for street solicitations.

**9-301. Permit required.** No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1983 Code, § 5-301)

**9-302. Prerequisites for a permit.** The recorder shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1983 Code, § 5-302)

**9-303. Denial of a permit.** Any applicant for a permit to make charitable or religious solicitations may appeal to the city council if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1983 Code, § 5-303)

**9-304. Exhibition of permit.** Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1983 Code, § 5-304)

**9-305. Signs required for street solicitations.** It shall further be unlawful for any person to engage in the solicitation of funds on any street or highway within the corporate limits of Trenton, Tennessee, without first obtaining a permit as set forth above and further without erecting a sign identifying the name and address of the beneficiary of said solicited funds. Said sign or signs shall be displayed so as to be visible to all approaching traffic in areas where said funds are to be solicited and said signs shall be approved by the city recorder prior to engaging in any solicitation upon the streets or highways within the corporate limits of the city. (1983 Code, § 5-305)

## CHAPTER 4

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

#### SECTION

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

**9-401. Taxicab franchise and privilege license required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the city and has a currently effective privilege license. (1983 Code, § 5-401)

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

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

to either grant or refuse a franchise to the applicant. The city council 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 city council shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1983 Code, § 5-402)

**9-403. Liability insurance or bond required.** No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1983 Code, § 5-403)

**9-404. Revocation or suspension of franchise.** The city council, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1983 Code, § 5-404)

**9-405. Mechanical condition of vehicles.** It shall be unlawful for any person to operate any taxicab in the municipality unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1983 Code, § 5-405)

**9-406. Cleanliness of vehicles.** All taxicabs operated in the city shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1983 Code, § 5-406)

**9-407. Inspection of vehicles.** All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1983 Code, § 5-407)

**9-408. License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1983 Code, § 5-408)

**9-409. Qualifications for driver's permit.** No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the 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 special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1983 Code, § 5-409)

**9-410. Revocation or suspension of driver's permit.** The city council, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1983 Code, § 5-410)

**9-411. Drivers not to solicit business.** All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (1983 Code, § 5-411)

**9-412. Parking restricted.** It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the city for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging

passengers if such stops are made in such manner as not to interfere unreasonably with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1983 Code, § 5-412)

**9-413. Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1983 Code, § 5-413)

**9-414. Taxicabs not to be used for illegal purposes.** No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1983 Code, § 5-414)

**9-415. Miscellaneous prohibited conduct by drivers.** It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to blow the automobile horn unnecessarily; or to otherwise disturb the peace, quiet and tranquility of the city in any way. (1983 Code, § 5-415)

**9-416. Transportation of more than one passenger at the same time.** No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1983 Code, § 5-416)

## CHAPTER 5

### POOL ROOMS<sup>1</sup>

#### SECTION

9-501. Hours of operation regulated.

9-502. Minors to be kept out; exception.

9-503. Exclusion.

**9-501. Hours of operation regulated.** It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire between the hours of 1:01 A.M. Sunday and 5:59 A.M. Monday. (1983 Code, § 5-501)

**9-502. Minors to be kept out; exception.** It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to loiter about such place of business or to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the parents of such minor, if living; if the parents are dead, then the guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1983 Code, § 5-502)

**9-503. Exclusion.** The foregoing sections of this chapter shall not apply to recreational businesses and/or arcades where alcoholic beverages are not sold or permitted. (1983 Code, § 5-504)

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



**CHAPTER 6**

**CABLE TELEVISION**

**SECTION**

9-601. To be furnished under franchise.

**9-601. To be furnished under franchise.** Cable television service shall be furnished to the City of Trenton and its inhabitants under franchise as the city council shall grant. The rights, powers, duties and obligations of the City of Trenton and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup>

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #122 in the office of the city recorder.

**CHAPTER 7****HOUSE MOVERS****SECTION**

9-701. Permit required.

9-702. Application for permit.

9-703. Expiration of permit.

**9-701. Permit required.** It shall be unlawful for anyone to engage in the moving of a house within the corporate limits of the City of Trenton without first obtaining a permit therefor in compliance with the provisions of this chapter. A separate permit shall be obtained for each house moved. (Ord. #193, May 1996)

**9-702. Application for permit.** Applicants for a permit under this chapter must provide the city building inspector with the following:

- (1) Name, address and phone number of applicant.
  - (2) A permit fee of fifty dollars (\$50).
  - (3) A surety bond in favor of the city sufficient to reimburse the city for any damages or expenses incurred by the city as a result of applicant's house moving.
  - (4) A certificate of liability insurance in the amount of \$1,000,000.00.
- (Ord. #193, May 1996)

**9-703. Expiration of permit.** Each permit issued pursuant to this chapter shall expire thirty (30) days after the date of issuance. (Ord. #193, May 1996)

## CHAPTER 8

### SEXUALLY ORIENTED BUSINESSES

#### SECTION

- 9-801. Definitions.
- 9-802. Purpose and findings.
- 9-803. Classification.
- 9-804. License required.
- 9-805. Issuance of license.
- 9-806. Fees--sexually oriented business license and employee license.
- 9-807. Inspection.
- 9-808. Expiration of license.
- 9-809. Suspension.
- 9-810. Revocation.
- 9-811. Transfer of license.
- 9-812. Location of sexually oriented businesses.
- 9-813. Additional regulations for adult motels.
- 9-814. Regulations pertaining to exhibition of sexually explicit films, videos or live entertainment in viewing rooms.
- 9-815. Additional regulations for escort agencies.
- 9-816. Additional regulations for nude model studios.
- 9-817. Additional regulations concerning public nudity.
- 9-818. Prohibition against children in a sexually oriented business.
- 9-819. Hours of operation.
- 9-820. Exemptions.
- 9-821. Penalties and injunction.

**9-801. Definitions.** (1) "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors video or laser disc players, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexually activities" or "specified anatomical area."

(2) "Adult bookstore, adult novelty store or adult video store" means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (a) Books, magazines, periodicals or other printed matters, or photographs, films motion pictures, videocassettes or video productions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," or

(b) Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "adult bookstore," "adult novelty store," or "adult video store." Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "adult bookstore," "adult novelty store," or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for any form of consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(3) "Adult cabaret" means a nightclub, bar, restaurant or similar commercial establishment which regularly features.

(a) Persons who appear in a state of nudity or semi-nude; or

(b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or

(c) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(4) "Adult motel" means a hotel, motel or similar commercial establishment which:

(a) Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions, or;

(b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours, or;

(c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(5) "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(6) "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude or live performances which are characterized by the exposure of "specified anatomical area" or by "specified sexual activities."

(7) "Employees" means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract

basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of its premises or equipment on the premises, or for the delivery of goods to the premises.

(8) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(9) "Escort agency" means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of the primary business purposes for a fee, tip or other consideration.

(10) "Establishment" means and includes any of the following:

(a) The opening or commencement of any sexually oriented business as a new business.

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.

(c) The additions of any sexually oriented business to any other existing sexually oriented business; or

(d) The relocation of any sexually oriented business.

(11) "License" means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee; a person in whose name a license has been issued authorizing employment in a sexually oriented business.

(12) "Nude model studio" means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed; sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form or consideration. Nude model studio shall not include a proprietary school licensed by the State of Tennessee or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure:

(a) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing, and;

(b) Where in order to participate in a class a student must enroll at least three days in advance of the class; and

(c) Where no more than one nude or semi-nude model is on the premises at any one time.

(13) "Nudity or state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than

a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(14) "Person" means an individual, proprietorship, partnership, corporation, association or other legal entity.

(15) "Semi-nude or semi nude condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt; leotard, bathing suit; or other wearing apparel provided the areola is not exposed in whole or in part.

(16) "Sexual encounter center" means a business or commercial enterprise that; as one of its principal business purposes, offers for any form of consideration:

(a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(17) "Sexually oriented business" means an adult arcade, adult bookstore; adult novelty store; adult video store; adult cabaret, adult motel; adult motion picture theater; adult theater; escort agency; nude-motel studio; or sexual encounter center.

(18) "Specified anatomical areas" means, but is not limited to the following:

(a) The human male genitals in a discernibly turgid state; even if completely and opaquely covered; or,

(b) Less than completely and opaquely covered human genitals; pubic region; buttocks or female breast below a point immediately above the top of the areola.

(19) "Specified criminal activity" means any of the following offenses;

(a) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure, indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or counties.

(b) For which:

(i) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction; whichever is the later date, if the conviction is of a misdemeanor offense;

(ii) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction; whichever is the later date; if the conviction is of a felony offense; or

(iii) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction; whichever is the later date; if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

(20) "Specified sexual activities" means any of the following:

(a) The fondling or other erotic touching of human genitals; pubic region; buttocks; anus; or female breasts;

(b) Sex acts; normal or perverted; actual or simulated; including intercourse; oral copulation; masturbation; or sodomy; or

(c) Excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

(21) "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%) as the floor areas exist on the date this chapter takes effect.<sup>1</sup>

(22) "Transfer of ownership or control" of a sexually oriented business means and includes any of the following:

(a) The sale, lease or sublease of the business;

(b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

(c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person of the person possessing the ownership or control. (Ord. #211, Jan. 2000, modified)

**9-802. Purpose and findings.** (1) Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentrations of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect on imposing limitation or restriction on the content of any communicative materials, including sexually

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<sup>1</sup>These provisions were taken from Ord. #211 which passed second reading January 25, 2000.

oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(2) Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in reports made available to the mayor and board of aldermen (board), and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 427 U.S. 50 (1976) and *Barnes v. Glen Theatre, Inc.* 501 U.S. 560 (1991), and on studies in other communities including, but not limited to Phoenix, Arizona; Tucson, Arizona; Minneapolis, Minnesota; St. Paul, Minnesota; Houston, Texas; Dallas, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Newport News, Virginia; Los Angeles, California; Whitier, California; Austin, Texas; Oklahoma City, Oklahoma II; Cleveland, Ohio; Beaumont, Texas; and Seattle, Washington; the board finds:

(a) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

(b) Certain employees of sexually oriented businesses defined in this chapter as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(c) Sexual acts, including masturbation and oral and anal sex occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(d) Offering and providing such space encourages such activities, which creates unhealthy conditions.

(e) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(f) At least to communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

(g) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States -- 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.



(h) As of July 31, 1998, there were 7,689 reported cases of AIDS and 3,904 deaths resulting from AIDS in the State of Tennessee. There were 2,522 reported cases of AIDS in Shelby County as of July 31, 1998.

(i) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in the State of Tennessee with 9,363 reported cases of HIV. There were 3,651 reported cases of HIV in Shelby County as of July 31, 1998.

(j) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990. There were 934 reported cases of gonorrhea in Shelby County in 1997. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-million cases being reported in 1990. There were 4,876 reported cases of gonorrhea in Shelby County in 1997.

(k) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(l) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(m) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those activities and maintain those facilities.

(n) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(o) The findings noted in paragraphs number (a) through (n) raise substantial government concerns.

(p) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(q) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the city. It is appropriate to require reasonable assurance that the licensee is the actual operator of the

sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(r) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(s) Requiring licenses of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(t) The disclosure of certain information by those persons ultimately responsible for the day to day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant government interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(u) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(v) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this chapter.

(w) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.

(x) The general welfare, health, morals and safety of the citizens of the city will be promoted by the enactment of this chapter. (Ord. #211, Jan. 2000)

**9-803. Classification.** Sexually oriented businesses are classified as follows:

- (1) Adult arcades
- (2) Adult bookstores, adult novelty stores, or adult video stores
- (3) Adult cabarets
- (4) Adult motels
- (5) Adult motion picture theaters
- (6) Adult theaters
- (7) Escort agencies
- (8) Nude model studios; and
- (9) Sexual encounter centers. (Ord. #211, Jan. 2000)

**9-804. License required.** (1) It is unlawful:

(a) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the city pursuant to this chapter.

(b) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the city pursuant to this chapter.

(c) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this chapter.

(2) An application for a license must be made on a form provided by the city.

(3) All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information (including fingerprints) as to enable the city to determine whether the applicant meets the qualifications established in this chapter.

(4) If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has 20 percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

(5) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:

(a) If the applicant is:

(i) An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age;

(ii) A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;

(iii) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the same of the registered corporate agent and the address of the registered office for service of process.

(b) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state

- (i) the sexually oriented business's fictitious name and
  - (ii) submit the required registration documents.
- (c) Whether the applicant, or a person residing with the applicant has been convicted of a specified criminal activity as defined in this chapter, and if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
- (d) Whether the applicant or a person residing with the applicant has had a previous license under this chapter or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked; including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked; as well as the date of the denial, suspension or revocation; and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer; director or principal stockholder of corporation that is licensed under this chapter whose license has previously been denied; suspended or revoked; including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
- (e) Whether the applicant or a person residing with the applicant holds any other license under this chapter or other similar sexually oriented business ordinance from another city or county and if so, the names and locations of such other licensed business.
- (f) The single classification of license for which the applicant is filing.
- (g) The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s); if any; which location shall be a permissible location under the terms of this chapter.
- (h) The applicant's mailing address and residential address.
- (i) A recent photograph of the applicant(s).
  - (j) The applicant's driver license number; social security number; and/or his/her state or federally issued tax identification number.
- (k) A sketch or diagram showing the configuration of the premises; including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared; but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- (l) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within five hundred (500) feet of the

property to be certified; the property lines of any established religious institution; synagogue, school; or public park, or recreation areas within 500 feet of the property to be certified. For purposes of this section; a use shall be considered existing or established if it is in existence at the time an application is submitted.

(m) If an applicant wishes to operate a sexually oriented business other than the adult motel, which shall exhibit on the premises; in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films video cassettes, other video reproductions, or live entertainment, which depict specified anatomical areas; then the applicant shall comply with the application requirements set forth in section 9-804(5)(l).

(6) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the city the following information.

- (a) The applicant's name or any other name (including "stage" names) or aliases used by the individual.
- (b) Age, date and place of birth.
- (c) Height, weight, hair and eye color,
- (d) Present resident address and telephone number;
- (e) Present business address and telephone number;
- (f) Date, issuing state and number of driver's permit or other identification card information;
- (g) Social security number, and;
- (h) Proof that the individual is at least eighteen (18) years of age.

(7) Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:

(a) A color photograph of the applicant, clearly showing the applicant's face; and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.

(b) A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application; including whether such applicant in this or any other county, city, state or country, has ever had a license, permit or authorization to do business denied, revoked or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation or suspension shall be attached to the application.

(c) A statement whether the applicant has been convicted of a specified criminal activity as defined in this chapter and if so, the

specified criminal activity involved, the date, place and jurisdiction of each. (Ord. #211, Jan. 2000, modified)

**9-805. Issuance of license.** (1) Upon the filing of said application for a sexually oriented business employee license; the city shall issue a temporary license to said applicant. The applicant shall then be referred to the appropriate city departments for an investigation to be made on such information as is contained on the application.

The application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the city shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(a) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(b) The applicant is under the age of eighteen (18) years;

(c) The applicant has been convicted of a "specified criminal activity" as defined in this chapter.

(d) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law; statute, rule or organization or prohibited by a particular provision of his chapter, or,

(e) The applicant has had a sexually oriented business employee license revoked within two (2) years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in section 9-810.

(2) A sexually oriented business license and sexually oriented business employee license granted pursuant to this chapter shall be subject to annual renewal upon the written application of the applicant and a finding by the city that the applicant has not been convicted of any specified criminal activity as defined in the ordinance or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in section 9-806.

(3) Within 30 days after receipt of a completed sexually oriented business application the city shall approve or deny the issuance of a license to an applicant. The city shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(a) An applicant is under eighteen (18) years of age

(b) An applicant or a person with whom applicant is residing is overdue in payment to the city of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business.

(c) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(d) An applicant or a person with whom the applicant is residing has been denied a license by the city to operate a sexually oriented business within the preceding twelve (12) months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

(e) An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this chapter.

(f) The premises to be used for the sexually oriented business have not been approved by the health department; fire department and the building official as being in compliance with applicable laws and ordinances.

(g) The license fee required by this chapter has not been paid.

(h) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(4) The license, if granted shall state on its face the name of the person or persons to whom it is granted; the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to section 9-803. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

(5) The health department; fire department and the building official shall complete their certification that the premises is in compliance within twenty (20) days of receipt of the application by the city.

(6) A sexually oriented business license shall issue for only one classification as found in section 9-803. (Ord. #211, Jan. 2000, modified)

**9-806. Fees--sexually oriented business license and employee license.** (1) Sexually oriented business license.

(a) Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by an application fee of five hundred dollars (\$500.00). In addition to the renewal fee, a late penalty of fifty dollars (\$50) shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires. If application is denied, one-half (½) of the fees shall be returned excluding the late penalty charges.

(b) In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or

renewal) shall pay to the city an annual license fee of two hundred fifty dollars (\$250) within thirty (30) days of license issuance or renewal. Failure to pay the annual license fee shall within thirty (30) days of issuance or renewal shall result in the immediate revocation of license by the city. If application is denied, one half ( $\frac{1}{2}$ ) of the fees shall be returned.

(c) Every application for a sexually oriented business employee license (whether for a new license or for a renewal of an existing license) shall be accompanied by a two hundred fifty dollars (\$250) application, investigation and license fee, a late penalty of one hundred dollars (\$100) shall be assessed against the applicant who files for renewal less than thirty (30) days before the license expires. If the license is denied, one half ( $\frac{1}{2}$ ) of the fees shall be returned excluding the late penalty charges.

(d) All license applications and fees shall be submitted to the City Recorder of the City of Trenton.

(2) Sexually oriented business employees license. (a) Every application for a sexually oriented business employee license (whether for a new or for renewal of an existing license) shall be accompanied by an application fee of fifty dollars (\$50). In addition to the renewal fee, a late penalty of fifty dollars (\$50) shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires. If the application is denied, one half ( $\frac{1}{2}$ ) of the fees shall be returned excluding the late penalty charge.

(b) In addition to the application and investigation fee required above, every sexually oriented business employee that is granted a license (new or renewal) shall pay to the city an annual license fee of fifty dollars (\$50) within thirty (30) days of license issuance or renewal. Failure to pay the annual license fee shall within thirty (30) days of license issuance or renewal shall result in the immediate revocation of license by the city. If the application is denied, one half ( $\frac{1}{2}$ ) of the fees shall be returned.

(c) All license applications and fees shall be submitted to the City Recorder of the City of Trenton. (Ord. #211, Jan. 2000)

**9-807. Inspection.** (1) An applicant or licensee shall permit representatives of the police department, health department, fire department, development department or other city departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

(2) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses such lawful inspection of the premises at any time it is open for business. (Ord. #211, Jan. 2000)

**9-808. Expiration of license.** (1) Each license shall expire one year from the date of issuance and may be renewed only by making application as



provided in section 9-804. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

(2) When the city denied renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to the denial, the city finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final. (Ord. #211, Jan. 2000)

**9-809. Suspension.** (1) The city shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a license or employee of a licensee has:

(a) Violated or is not in compliance with any section of this chapter, or

(b) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter, provided, however, the provisions above relating to suspension shall not preclude revocation of a license if grounds as set out in section 9-810 below exist. (Ord. #211, Jan. 2000)

**9-810. Revocation.** (1) The city shall revoke a sexually oriented business license if a cause of suspension occurs and the license has been suspended within the preceding twelve (12) months.

(2) The city shall revoke a sexually oriented business license if it determines that:

(a) A licensee gave false or misleading information in the material submitted during the application process;

(b) A licensee has knowingly allowed possession, use or sale of controlled substances on the premises;

(c) A licensee has knowingly allowed prostitution on the premises;

(d) A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(e) Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises.

(f) A licensee is delinquent in payment to the city, county or state for any taxes or fees past due.

(3) The city shall revoke a sexually oriented business employee license if it determines that:

(a) A licensee gave false or misleading information in the material submitted during the application process;

- (b) A licensee possessed, used or sold control substance on the premises,
- (c) A licensee committed prostitution on the premises,
- (d) A licensee operated within a sexually oriented business without proper license, or
- (e) A licensee has participated in any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act in or on the licensed premises.

(4) When the town revokes a license, the revocation shall continue for one (1) year, and he licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the city finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation become effective.

(5) After denial of an application or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court. (Ord. #211, Jan. 2000, modified)

**9-811. Transfer of license.** A license shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application. (Ord. #211, Jan. 2000)

**9-812. Location of sexually oriented businesses.** (1) A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than B-5 commercial district, as defined and described in the Chapter XXI, Zoning Ordinances of Trenton, Tennessee.

(2) A person commits an offense if the person operates or causes to be operated a sexually oriented business within 500 feet of;

(a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(b) A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergarten, elementary schools, private schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

(c) A boundary of any residential district as defined in The Trenton Zoning Ordinance.

(d) An occupied residential "dwelling"

(e) A public park or recreational area which has been designated for park or recreational activities, including but not limited to a park, playground, nature trails, swimming pool reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation or management of the city park and recreational authorities.

(f) The property line of a lot devoted to use as a "residence"

(g) An entertainment business which is oriented primarily towards children or family entertainment; or

(3) A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business.

(4) A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business.

(5) For the purpose of subsection (2) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (2). Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(6) For purposes of subsection (3) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(7) Any sexually oriented business lawfully operating on \_\_\_\_\_ that is in violation of subsection (1) through (6) of this section shall be deemed a nonconforming use. The non-conforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be charged to a nonconforming use. If two or more sexually oriented businesses are within 500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.

(8) A sexually oriented business lawfully in operation as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of a sexually oriented business license, of a use listed in subsection (2) of this section within 500 feet of the sexually oriented business. This

provision applies when an application for a license is submitted after a license has expired or been revoked. (Ord. #211, Jan. 2000)

**9-813. Additional regulations for adult motels.** (1) Evidence that a sleeping room in a hotel, motel or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as the term is defined in this chapter.

(2) A person commits a misdemeanor if as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented license, he rents or subrents a sleeping room to a person, and within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

(3) For purposes of subsection (2) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration. (Ord. #211, Jan. 2000)

**9-814. Regulations pertaining to exhibition of sexually explicit films, videos or live entertainment in viewing room.** (1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements;

(a) Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted; if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprints shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The city may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the city.

(d) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in the manager's station at all times that any person is present inside the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated; then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(f) It shall be the duty of the licensee to ensure that the view area specified in subsection (e) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and; at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1)(a) of this section.

(g) No viewing room may be occupied by more than one person at any time.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level.

(i) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(j) No licensee shall allow openings of any kind to exist between viewing rooms or booths.

(k) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(l) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(m) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(n) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition

board or other porous materials shall be used within forty eight (48) inches of the floor.

(2) A person having a duty under subsection (a) through (n) of subsection (1) above commits a misdemeanor if he knowingly fails to fulfill that duty. (Ord. #211, Jan. 2000)

**9-815. Additional regulations for escort agencies.** (1) An escort agency shall not employ any person under the age of 18 years of age.

(2) A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years. (Ord. #211, Jan. 2000)

**9-816. Additional regulations for nude model studios.** (1) A nude model studio shall not employ any person under the age of 18 years.

(2) A person under the age of 18 years commits an offense if the person appears seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.

(3) A person commits an offense if the person appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

(4) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises except that a sofa may be placed in a reception room open to the public. (Ord. #211, Jan. 2000)

**9-817. Additional regulations concerning public nudity.** (1) It shall be a misdemeanor for a person to knowingly and intentionally, in a sexually oriented business, appear in a state of nudity or depict specified sexual activities.

(2) It shall be a misdemeanor for a person to knowingly or intentionally in a sexually oriented business appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any person or customer and on a stage at least two feet from the floor.

(3) It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business.

(4) It shall be a misdemeanor for an employee, while semi-nude, to touch a customer or the clothing of a customer. (Ord. #211, Jan. 2000)

**9-818. Prohibition against children in a sexually oriented business.** A person commits a misdemeanor if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business. (Ord. #211, Jan. 2000)

**9-819. Hours of operation.** No sexually oriented business, except for an adult motel, may remain open at any time between the hours of twelve o'clock midnight (12:00) and eight o'clock (8:00) A.M. on weekdays and Saturdays, and (12:00) midnight and noon on Sundays. (Ord. #211, Jan. 2000)

**9-820. Exemptions.** (1) It is a defense to prosecution under section 9-817 that a person appearing in a state of nudity did so in a modeling class operated:

(a) By a proprietary school, licensed by the State of Tennessee; a college, junior college, or university supported entirely or partly by taxation.

(b) By private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(c) In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(ii) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

(iii) Where no more than one nude model is on the premises at any one time. (Ord. #211, Jan. 2000)

**9-821. Penalties and injunction.** Any violation of this chapter shall be punishable by a fine of not more than five hundred dollars (\$500.00). Each day a sexually oriented business or sexually oriented business employee operates in violation of the ordinance is a separate offense or violation. (Ord. #211, Jan. 2000)

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

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Swine prohibited in city.
- 10-104. Pen or enclosure to be kept clean.
- 10-105. Adequate food, water, and shelter, etc., to be provided.
- 10-106. Keeping in such manner as to become a nuisance prohibited.
- 10-107. Cruel treatment prohibited.
- 10-108. Seizure and disposition of animals.
- 10-109. Inspections of premises.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1983 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1983 Code, § 3-102)

**10-103. Swine prohibited in city.** It shall be unlawful for any person to keep, maintain, and feed swine within the corporate limits of the city. (1983 Code, § 3-102.1)

**10-104. Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or



enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1983 Code, § 3-103)

**10-105. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1983 Code, § 3-104)

**10-106. 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. (1983 Code, § 3-105)

**10-107. Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1983 Code, § 3-106)

**10-108. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the city council. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance. (1983 Code, § 3-107)

**10-109. Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1983 Code, § 3-108)

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Rabies vaccination required.
- 10-202. Vaccination tags required on dogs and cats.
- 10-203. Female dogs and cats prohibited from running loose during heat cycle.
- 10-204. Vicious dogs.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs and cats not properly tagged and dogs found running at large.
- 10-208. Cruelty to dogs and cats.

**10-201. Rabies vaccination required.** It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1983 Code, § 3-201, as replaced by Ord. #265, April 2010)

**10-202. Vaccination tags required on dogs and cats.** It is the responsibility of the owner of any dog or cat to display a tag on said animal evidencing the vaccination required by the preceding section. (1983 Code, § 3-202, as replaced by Ord. #265, April 2010)

**10-203. Female dogs and cats prohibited from running loose during heat cycle.** Any female dog or cat in heat shall be confined in a building or secure enclosure adequate to prevent indiscriminate contact with any male dogs or cats. It shall be unlawful for any person to allow any female dog or cat owned by him, or under his control or habitually found on premises occupied by him or immediately under his control, to run at large under any circumstances while such female dog or cat is in what is known as the "heat cycle." Any dog or cat found running at large in such condition, whether or not vaccinated and properly registered, is hereby declared to be a nuisance, and shall be subject to seizure, impoundment, sale or destruction as provided for animals suspected of rabies. (1983 Code, § 3-203, as replaced by Ord. #265, April 2010)

**10-204. Vicious dogs.** It shall be unlawful for the owner or custodian to keep or harbor any vicious dog within the city, unless said dog is properly confined in accordance with the provisions herein.

A vicious dog is defined as any dog that, without provocation, bites or attacks persons or other animals; approaches any person or other animal with

vicious or terrorizing behavior or an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated; or has acted in a manner that causes or should cause its owner or custodian to know that the dog is potentially vicious.

It shall be an affirmative defense to charges under this subsection that the actual or intended victim of any attack has made an unlawful entry into the residential dwelling structure of the dog's owner or custodian, or has threatened or attacked a person or animal lawfully within said dwelling structure, or has threatened or attacked an owner or custodian of the dog. "Dwelling structure" for the purposes of this section shall mean any enclosed building, or portion thereof, which provides actual living facilities.

Any dog which is reasonably believed to be vicious and which is not properly confined in accordance with the provisions herein may be impounded if it constitutes a danger to any person or animal. The dog shall remain impounded until the completion of legal proceedings. The owner or custodian shall be responsible for costs or impoundment, and the dog may be destroyed if such costs are not paid.

"Proper confinement," for purposes of this section, shall mean the following:

(a) While on the premises of the owner or custodian, the dog shall be confined within a dwelling structure or within a securely fenced enclosure with fastened sides and top or with four (4) fastened sides of no less than six feet (6') in height. The enclosure must be permanently fastened at the bottom, and be of such material and construction that the dog cannot exit the enclosure on its own. Enclosures shall be properly signed for warning.

(b) While off the premises of the owner or custodian, the dog shall be leashed and muzzled and under the physical control of the owner or custodian at all times, unless otherwise confined within a closed vehicle.

If the court determines that the vicious dog poses a serious danger to the health and safety of other persons or animals, it may order the dog to be removed from the municipality or destroyed. Such determination may be based upon, but is not necessarily limited to, the frequency of violations of the provisions of this chapter by the owner or custodian of such dog, the severity of any attack or bite or terrorizing behavior by such dog, or the inability or unwillingness of the owner or custodian to properly confine such dog. (1983 Code, § 3-204, as replaced by Ord. #265, April 2010)

**10-205. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1983 Code, § 3-205, as replaced by Ord. #265, April 2010)

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal control officer or chief of police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1983 Code, § 3-206, as replaced by Ord. #265, April 2010)

**10-207. Seizure and disposition of dogs and cats not properly tagged and dogs found running at large.** Any dog found running at large and any dog or cat found without a proper vaccination tag as required by this chapter may be seized by the animal control officer, the chief of police, or any police officer, or any official or officer designated by the city council to enforce the provisions of this chapter, all animals so seized shall be put in a suitable pound or place of confinement as designated by the city council. No dog or cat so seized shall be released to its owner until said owner presents a receipt from the city recorder indicating payment in full of a reclamation fee of ten dollars (\$10.00) in the case of a first violation, twenty-five dollars (\$25.00) for the second violation, and fifty dollars (\$50.00) for the third and subsequent violations. Said reclamation fee is separate from and in addition to any fine that may be imposed in municipal or general sessions court for violation of Tennessee Code Annotated, § 44-8-408. If such animal is not reclaimed, it shall be humanely disposed of pursuant to state law. In no event shall any animal be released from the pound unless it has been duly vaccinated, registered and a tag placed on its collar as provided in this chapter. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely seized and impounded, it may be summarily destroyed by the animal control officer, chief of police, any policeman, or other officer or official as designated by the council to enforce the provisions of this chapter.<sup>1</sup> (1983 Code, § 3-207, as replaced by Ord. #265, April 2010)

**10-208. Cruelty to dogs and cats.** It shall be unlawful for any person owning or in custody of any dog or cat to fail to provide said dog or cat with adequate food, water, shelter and veterinary care when reasonably required.

It shall be unlawful for any person to beat, cruelly ill-treat, overload, overwork or otherwise abuse any dog or cat, or cause or permit any dog fight, with other animals or humans.

It shall be unlawful for the owner or custodian of any dog or cat to abandon such animal.

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<sup>1</sup>For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the 1927 case of Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661.

For the purpose of this section, "abandon" means to leave the dog or cat unattended for more than forty-eight (48) consecutive hours.

It shall be unlawful for any person to expose any known poisonous or hazardous substance, including such substance when mixed with food, so that a reasonable person would know or should know that such substance would probably cause dog or cat to be attracted thereto and be adversely affected thereby. It shall be unlawful for any owner or custodian to confine a dog or cat within a parked, closed vehicle, when insufficient ventilation exists, or when the temperature within the closed vehicle is in excess of ninety degrees (90°) Fahrenheit, thereby exposing the animal to serious health risk.

The animal control officer or police officer may impound any animal which is reasonably believed to be abandoned or otherwise subject to the provisions of this section. Any and all costs associated with the impoundment and necessary care of such animals shall be borne by the owner or custodian. (1983 Code, § 3-208, as replaced by Ord. #265, April 2010)

## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

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

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open 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. (1983 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.
- 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. Minors in beer places.** No person under twenty-one (21) years of age shall loiter in or around or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1983 Code, § 10-222, modified)

**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. (1983 Code, § 10-234)



**CHAPTER 3**

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-301. Assault and battery.

**11-301. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1983 Code, § 10-201)

## CHAPTER 4

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-403. Loitering.

11-404. Disorderly houses.

11-405. Indecent or improper exposure or dress.

**11-401. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1983 Code, § 10-202)

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

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

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other 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, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

(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. (1983 Code, § 10-233)

**11-403. Loitering.** It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use. (as added by Ord. #292, June 2014)

**11-404. Disorderly houses.** It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarreling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person knowingly to visit any such house for the purpose of engaging in such activities. (as added by Ord. #291, June 2014)

**11-405. Indecent or improper exposure or dress.** It shall be unlawful for any person publicly to appear naked or to dress inappropriately for his or her sex, or to appear in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person. (as added by Ord. #293, June 2014)

## CHAPTER 5

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-504. Resisting or interfering with city personnel.

11-505. Coercing people not to work.

**11-501. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1983 Code, § 10-209)

**11-502. 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. (1983 Code, § 10-211)

**11-503. False emergency alarms.** It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1983 Code, § 10-217)

**11-504. Resisting or interfering with city personnel.** 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. (1983 Code, § 10-210)

**11-505. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1983 Code, § 10-230)

## CHAPTER 6

### FIREARMS, WEAPONS AND MISSILES

#### SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

**11-601. Air rifles, etc.** It shall be unlawful for any person in the 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. (1983 Code, § 10-213)

**11-602. Throwing missiles.** It shall be unlawful for any person maliciously to throw 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. (1983 Code, § 10-214)

**11-603. Weapons and firearms generally.** It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the united States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committee crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the city. (1983 Code, § 10-212)

## CHAPTER 7

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE  
WITH TRAFFIC**

## SECTION

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

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1983 Code, § 10-226)

**11-702. Trespassing on trains.** It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1983 Code, § 10-221)

**11-703. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1983 Code, § 10-225)

**11-704. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1983 Code, § 10-232)

## CHAPTER 8

### MISCELLANEOUS

#### SECTION

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew for minors.
- 11-805. Wearing masks.
- 11-806. Responsibilities of mobile home occupants.
- 11-807. Shoplifting.
- 11-808. Accumulation of abandoned appliances and other debris.
- 11-809. Inoperative vehicles and/or equipment.

**11-801. Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1983 Code, § 10-223)

**11-802. Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1983 Code, § 10-231)

**11-803. Posting notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property, including utility poles, unless legally authorized to do so. (1983 Code, § 10-227)

**11-804. Curfew for minors.** It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 12:00 midnight and 5:00 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. (1983 Code, § 10-224)

**11-805. Wearing masks.** It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.



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

(4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1983 Code, § 10-235)

**11-806. Responsibilities of mobile home occupants.** (1) No furniture, appliances, or debris shall be stored in, around or under any mobile home.

(2) No inoperative vehicles shall be stored, parked, or left on the premises, or major vehicle repairs made there.

(3) All trash and garbage shall be placed in suitable containers with lids or seals.

(4) No loud or excessive noise shall be made by radio, television, or any mechanical device, nor loud talking.

(5) The lots, yards and grounds shall be trimmed, mowed and maintained by the tenants. (1983 Code, § 10-236)

**11-807. Shoplifting.** (1) Any person who shall willfully take possession of any goods, wares or merchandise not exceeding the value of one hundred dollars (\$100.00) for sale by any store or other mercantile establishment with the intention of converting the same to his own use without paying the purchase price thereof, shall be guilty of the offense of shoplifting and shall be punished by a fine of not more than fifty dollars (\$50.00) and shall be required to make restitution.

(2)(a) Any person willfully altering any label, price tag, or marking upon any merchandise not exceeding the value of two hundred dollars (\$200.00) offered for sale by any store with the intent of depriving the owner of all or some part of the value thereof, who conceals upon his person or attempts to purchase such merchandise on which such person has willfully altered the label, price tag, or marking, shall be guilty of the offense of shoplifting and shall be punished in accordance with the provisions of this section.

(b) Presentation of an improperly marked or altered price tag shall not be considered a presumption of guilt under this paragraph.

(3)(a) Any person willfully concealing unpurchased goods or merchandise of any store or other mercantile establishment either on the premises or outside the premises of such store, shall be prima facie presumed to have so concealed such article with the intention of converting the same to his own use without paying the purchase price thereof within the meaning of above section (1), and the finding of such unpurchased goods or merchandise concealed upon such person or among the belongings of such person shall be prima facie evidence of willful concealment, and if such person conceals, or causes to be concealed, such unpurchased goods or merchandise upon the person or among the

belongings of another, the finding of the same shall also be prima facie evidence of willful concealment on the part of the person so concealing such goods.

(b) The offense hereby created and the presumptions herein provided shall not be exclusive and shall be in addition to previously existing offenses and such rights and presumptions as were heretofore provided by law. (1983 Code, § 10-237)

**11-808. Accumulation of abandoned appliances and other debris.**

(1) Unlawful to allow debris to accumulate on the premises. It shall be unlawful for any person(s) to allow abandoned appliances and other debris to accumulate on property under his control.

(2) Notice to clean-up premises. Whenever a person violates the provisions of this section the city recorder shall have notice mailed by first class mail to the last known address of the person having control over the offending premises which notice shall state:

You are hereby notified that the premises under your control, being (describe the property) have been found to be in an unsanitary, unhealthy, and unclean condition.

You are directed by the City of Trenton, Tennessee, to remove all accumulation of abandoned appliances and other debris from the premises within the next ten (10) days at your own expense.

Should you fail to act upon this directive within the above described time, the city will take appropriate action in the appropriate court.

(3) Failure to comply with notice. Any person failing to comply with the above stated notice within ten (10) days (Sundays and holidays excluded) shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

(4) Administration. The city recorder or his designated agent shall be responsible for the administration and enforcement of this section. (1983 Code, § 10-238)

**11-809. Inoperative vehicles and/or equipment.** It shall be unlawful for the owner or person in control of any residential or commercial property within the corporate limits of the City of Trenton to keep any inoperative vehicle and/or equipment on said property for more than ten (10) days unless the vehicle is completely enclosed within a building. It shall be unlawful for the owner or person in control of any residential or commercial property within the

corporate limits of the City of Trenton to keep any inoperative vehicle and/or equipment on any street adjacent to said property for more than ten (10) days. (1983 Code, § 10-239)

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. ENERGY CONSERVATION CODE.
7. INTERNATIONAL PROPERTY MAINTENANCE CODE.
8. INTERNATIONAL RESIDENTIAL CODE.
9. INTERNATIONAL EXISTING BUILDING CODE.
10. INTERNATIONAL MECHANICAL CODE.

#### CHAPTER 1

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

#### SECTION

- 12-101. Building code adopted.  
 12-102. Available in building official's office.  
 12-103. Modifications.

**12-101. Building code adopted.** The City of Trenton hereby adopts the 2018 edition of the International Building Code,<sup>2</sup> regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Trenton; providing for the issuance of permits and collection of fees

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

therefore. (1983 Code, § 4-101, as replaced by Ord. #256, Aug. 2008, and amended by Ord. #301, Nov. 2015, and Ord. #314, May 2018 **Ch10\_11-10-20**)

**12-102. Available in building official's office.** A certain document, one (1) of which is on file in the office of the Building Official of the City of Trenton/Gibson County, being marked and designated as the International Building Code, 2018 edition, including appendix chapters, as published by the International Code Council, be and is hereby adopted as the building code of the City of Trenton, in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees as set by the city; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the building official are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-203 of this chapter. (1983 Code, § 4-102, as replaced by Ord. #256, Aug. 2008, and amended by Ord. #314, May 2018 **Ch10\_11-10-20**)

**12-103. Modifications.** The following sections are hereby revised:

Section 101.1;

Section 1612.3;

Section 3410.2.

Automatic sprinklers are not required in units that have a two (2) hour separation. (1983 Code, § 4-103, as replaced by Ord. #256, Aug. 2008, and amended by Ord. #305, June 2016)

## CHAPTER 2

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

#### SECTION

- 12-201. Plumbing code adopted.
- 12-202. Available in building official's office.
- 12-203. Modifications.
- 12-204. [Deleted.]

**12-201. Plumbing code adopted.** The City of Trenton hereby adopts the 2018 edition of the International Plumbing Code,<sup>2</sup> regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Trenton; providing for the issuance of permits and collection fees therefore. (1983 Code, § 4-201, as replaced by Ord. #260, Aug. 2008, and amended by Ord. #301, Nov. 2015, and amended by Ord. #319, May 2018 *Ch10\_11-10-20*)

**12-202. Available in building official's office.** A certain document, three (3) copies of which are on file in the office of the Building Official of the City of Trenton/Gibson County being marked and designated as the International Plumbing Code, 2018 edition, including appendix chapters, as published by the International Code Council, be and is hereby adopted as the plumbing code of the City of Trenton, in the State of Tennessee regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the building official are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-203. (1983 Code, § 4-202, as replaced by Ord. #260, Aug. 2008, and amended by Ord. #319, May 2018 *Ch10\_11-10-20*)

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

**12-203. Modifications.** The following sections are hereby revised:

Section 101.1. Insert: City of Trenton;

Section 106.6.2. Insert: Fees as adopted;

Section 106.6.3. Insert: 30 days;

Section 108.4. Insert: Class C / 60.00 each day. (1983 Code, § 4-203, modified, as replaced by Ord. #260, Aug. 2008)

**12-204. [Deleted.]** (1983 Code, § 4-204, as deleted by Ord. #260, Aug. 2008)

**CHAPTER 3****ELECTRICAL CODE**<sup>1</sup>**SECTION**

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

**12-301. Electrical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,<sup>2</sup> 1996 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. (1983 Code, § 4-301, modified)

**12-302. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1983 Code, § 4-302, modified)

**12-303. Permit required for doing electrical work.** No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1983 Code, § 4-303)

**12-304. Violations.** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under

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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.



such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1983 Code, § 4-304)

**12-305. Enforcement.** The electrical inspector shall be such person as the city council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1983 Code, § 4-305)

**12-306. Fees.** The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1983 Code, § 4-306)

## CHAPTER 4

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

#### SECTION

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

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

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

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

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

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

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1983 Code, § 4-401)

**12-402. Purpose and scope.** The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,<sup>1</sup> 1994 edition with 1996 revisions, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1983 Code, § 4-402, modified)

**12-403. Use of existing piping and appliances.** Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1983 Code, § 4-403)

**12-404. Bond and license.** (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder, provided, however, any license obtained after the first day of July in any year shall be computed at one-half (1/2) of the annual rate. (1983 Code, § 4-404)

**12-405. Gas inspector and assistants.** To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated

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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.

by the city council and the compensation for such office shall be determined at the time of appointment. (1983 Code, § 4-405)

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

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1983 Code, § 4-406)

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

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

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1983 Code, § 4-407)

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

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1983 Code, § 4-408)

**12-409. Certificates.** The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1983 Code, § 4-409)

**12-410. Fees.** The permit fee schedule as recommended in Appendix "B" of the gas code is hereby adopted. (1983 Code, § 4-410)

**12-411. Violations and penalties.** Section 107 of the gas code is hereby deleted. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1983 Code, § 4-411)

**12-412. Nonliability.** This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1983 Code, § 4-412)

**CHAPTER 5****HOUSING CODE****SECTION**

12-501. Housing code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations.

**12-501. Housing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,<sup>1</sup> 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1983 Code, § 4-501, modified)

**12-502. Modifications.** Wherever the housing code refers to the "Housing Official" it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the city council. Section 108 of the housing code is deleted. (1983 Code, § 4-502)

**12-503. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1983 Code, § 4-503, modified)

**12-504. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1983 Code, § 4-504)

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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 6

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

#### SECTION

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

**12-601. Energy conservation code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of 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 Energy Conservation Code<sup>2</sup> 2018 edition, as prepared and maintained by International Code Council, 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. #314, May 2018 *Ch10\_11-10-20*)

**12-602. Modifications.** Th City of Trenton will enforce the energy code and amendments to any code as adopted by the State of Tennessee, exempting R313.2. (as replaced by Ord. #314, May 2018 *Ch10\_11-10-20*)

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

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<sup>1</sup>State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

**12-604. Violation and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.



## CHAPTER 7

### INTERNATIONAL PROPERTY MAINTENANCE CODE

#### SECTION

- 12-701. Property maintenance code adopted.  
12-702. Available in building official's office.  
12-703. Modifications.

**12-701. Property maintenance code adopted.** The City of Trenton hereby adopts the 2018 edition of the International Property Maintenance Code,<sup>1</sup> regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the (jurisdiction); providing for the issuance of permits and collection of fees therefore. (as added by Ord. #257, Aug. 2008, and amended by Ord. #314, May 2018 *Ch10\_11-10-21*)

**12-702. Available in building official's office.** A certain document, one (1) copy of which is on file in the office of the Building Official of the City of Trenton/Gibson County, being marked and designated as the International Property Maintenance Code 2018 edition, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the City of Trenton, in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the building official are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-703. (as added by Ord. #257, Aug. 2008, and amended by Ord. #314, May 2018 *Ch10\_11-10-21*)

**12-703. Modifications.** The following sections are hereby revised:

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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.

Section 101.1;  
Section 103.5;  
Section 302.4. 10 inches;  
Section 304.14. 1/1 to 1/1;  
Section 602.3. 1/1 to 1/1;  
Section 602.4. 1/1 to 1/1. (as added by Ord. #257, Aug. 2008)

## CHAPTER 8

### INTERNATIONAL RESIDENTIAL CODE

#### SECTION

12-801. Residential code adopted.

12-802. Available in building official's office.

12-803. Modifications.

**12-801. Residential code adopted.** The City of Trenton, hereby adopts the 2018 edition of the International Residential Code,<sup>1</sup> regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress in the City of Trenton; providing for the issuance of permits and collection of fees therefore. (as added by Ord. #258, Aug. 2008, and amended by Ord. #301, Nov. 2015 and Ord. #314, May 2018 *Ch10\_11-10-20*)

**12-802. Available in building official's office.** A certain document, one (1) copy of which is on file in the office of the Building Official of the City of Trenton/Gibson County, being marked and designated as the International Residential Code, 2018 edition, including appendix chapters, as published by the International Code Council, be and is hereby adopted as the residential code of the City of Trenton, in the State of Tennessee for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one (1) and two (2) family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the building official are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-803. (as added by Ord. #258, Aug. 2008, and amended by Ord. #314, May 2018 *Ch10\_11-10-20*)

**12-803. Modifications.** The following sections are hereby revised:

Section R101.1;

Table R301.2(1);

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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.

Section P2603.6.1;  
Section P3103.1. (as added by Ord. #258, Aug. 2008)

## CHAPTER 9

### INTERNATIONAL EXISTING BUILDING CODE

#### SECTION

- 12-901. Existing building code adopted.  
12-902. Available in building official's office.  
12-903. Modifications.

**12-901. Existing building code adopted.** The City of Trenton hereby adopts the 2006 edition of the International Existing Building Code,<sup>1</sup> regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, in Trenton; providing for the issuance of permits and collection of fees therefore. (as added by Ord. #259, Aug. 2008)

**12-902. Available in building official's office.** A certain document, one (1) copy of which is on file in the office of the Building Official of the City of Trenton/Gibson County, being marked and designated as the International Existing Building Code, 2006 edition, including appendix chapters, as published by the International Code Council, be and is hereby adopted as the existing building code of the City of Trenton/Gibson County, in the State of Tennessee for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said existing building code on file in the office of the building official are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-903. (as added by Ord. #259, Aug. 2008)

**12-903. Modifications.** The following sections are hereby revised:  
Section 101.1;  
Section 1301.2. (as added by Ord. #259, Aug. 2008)

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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 10**

**INTERNATIONAL MECHANICAL CODE**

**SECTION**

12-1001. Mechanical code adopted.

**12-1001. Mechanical code adopted.** The City of Trenton hereby adopts the International Mechanical Code,<sup>1</sup> 2018 edition. (as added by Ord. #301, Nov. 2015, and amended by Ord. #319, Oct. 2018 *Ch10\_11-10-20*)

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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.

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1983 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, lint, 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. (1983 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 without treating it so as effectively to prevent the breeding of mosquitoes. (1983 Code, § 8-106)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-217(3).

**13-104. Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. Failure to comply may result in the city cutting the vegetation and billing the property owner at the prevailing rate. (1983 Code, § 8-107)

**13-105. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1983 Code, § 8-108)

**13-106. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1983 Code, § 8-109)



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

## 13-201. Junkyards.

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

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1983 Code, § 8-111)

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<sup>1</sup>State law reference

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

## CHAPTER 3

### SLUM CLEARANCE

#### SECTION

- 13-301. Definitions.
- 13-302. Dwelling unfit for habitation to be repaired, closed or demolished.
- 13-303. Procedures for abating unfit dwellings.
- 13-304. Conditions rendering dwelling unfit for human habitation.
- 13-305. Service of complaints or orders.
- 13-306. Powers of public officer.
- 13-307. Chapter confers supplementary powers and procedures.

**13-301. Definitions.** The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

- (1) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
- (2) "Governing body" shall mean the City Council of the City of Trenton.
- (3) "Municipality" shall mean the City of Trenton.
- (4) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.
- (5) "Parties in interest" shall mean all individuals, associations, corporation 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 municipality or state relating to health, fire, building regulations, or other activities concerning dwelling in the municipality.
- (8) "Public officer" shall mean the building inspector. He is hereby designated and authorized to exercise the powers prescribed by this chapter and by Tennessee Code Annotated, title 13, chapter 26.
- (9) "Structure" means any dwelling or place of public accommodation. (1983 Code, § 8-501)

**13-302. Dwelling unfit for habitation to be repaired, closed or demolished.** The City of Trenton hereby finds that there exist in this municipality, dwellings which are unfit for human habitation and hereby

ordains that such dwellings shall be required closed or demolished in the manner herein provided. (1983 Code, § 8-502)

**13-303. Procedures for abating unfit dwellings.** (1) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the public officer (on his own motion) that any dwelling is unfit, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer at a place therein fixed, not less than ten (10) days no more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

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

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

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

(3) If the owner fails to comply with an order to repair, vacate, close, remove or demolish the dwelling, the public officer may cause such dwelling to be dealt with as required by the order served on said owner, and that 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 habitation; the use or occupation of this building is prohibited and unlawful."

(4) That the amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall upon the filing of the notice with the officer of the register of deeds of the Gibson County in which the property lies, be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and

any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the 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. 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 sales against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court 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 to decree of such court, provided, however that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisance and to cause their removal or abatement, by summary proceedings or otherwise. (1983 Code, § 8-503)

**13-304. Conditions rendering dwelling unfit for human habitation.** The public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighbor dwellings or other residents of the municipality; 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; uncleanliness. (1983 Code, § 8-504)

**13-305. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons either personally or by registered mail but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to the effort, 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 municipality. 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 Gibson County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (1983 Code, § 8-505)

**13-306. Powers of public officer.** The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry

out and effectuate the proposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

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

(5) To delegate any of his functions and power under this chapter to such officers and agents as he may designate. (1983 Code, § 8-506)

**13-307. Chapter confers supplementary powers and procedures.**

Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the municipality to enforce any provisions of its charter or other ordinances or regulations, nor to prevent or punish violations thereof, and the powers and procedures prescribed by this chapter shall be in addition and supplemental to the powers conferred by any other law. (1983 Code, § 8-507)

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOME AND MOBILE HOME PARKS.
4. FLOOD DAMAGE PREVENTION ORDINANCE.

**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. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1983 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. (1983 Code, § 11-102)

**CHAPTER 2**

**ZONING ORDINANCE**

**SECTION**

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

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Trenton shall be governed by Ordinance #\_\_, titled "Zoning Ordinance, Trenton, Tennessee," and any amendments thereto.<sup>1</sup>

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

## CHAPTER 3

### MOBILE HOMES AND MOBILE HOME PARKS

#### SECTION

- 14-301. Definitions.
- 14-302. License required; transfer prohibited.
- 14-303. Application for license; action on.
- 14-304. License fee.
- 14-305. Issuance of license.
- 14-306. Revocation of license.
- 14-307. Display of license.
- 14-308. Parking of mobile homes on streets, etc., restricted.
- 14-309. Parking of mobile homes by dealers, etc.
- 14-310. Mobile home park plans.
- 14-311. Location of mobile home parks.
- 14-312. Water facility requirements.
- 14-313. Sanitary facility requirements.
- 14-314. Laundry facility requirements.
- 14-315. Sewage facility requirements.
- 14-316. Refuse facility requirements.
- 14-317. Fire prevention regulations.
- 14-318. Permanent additions to mobile homes.
- 14-319. Register of park occupants to be kept.
- 14-320. Application of chapter to existing or annexed parks.

**14-301. Definitions.** (1) "Dependent mobile home space" means a mobile home space which is designed to accommodate a dependent mobile home and does not have sewer and water connections to accommodate a toilet and a bath or shower in a mobile home.

(2) "Dwelling" shall mean a house, apartment building, or other permanent building designed or used primarily for human habitation.

(3) "Health officer" shall mean the health officer of the City of Trenton, Tennessee, or his authorized representative.

(4) "Independent mobile home" means a mobile home that has a toilet and a bath or shower and running water.

(5) "Independent mobile home space" means a mobile home space which has sewer and water connections designed to accommodate the toilet and bath or shower contained in an independent mobile home.

(6) "Mobile home" shall mean and include any vehicle or similar portable structure constructed so as to permit its being used as a conveyance on a public street and so as to permit the occupancy thereof as a dwelling by one or more persons.



(7) "Mobile home park" means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

(8) "Mobile home space" means a lot or plot of ground within a mobile home park designed for the accommodation of one mobile home.

(9) "Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, fence or hedge.

(10) "Park" means mobile home park. (1983 Code, § 5-601)

**14-302. License required; transfer prohibited.** (1) Required. It shall be unlawful for any person to maintain or operate within the corporate limits of the city any mobile home park unless such person shall first obtain a license therefor.

(2) Transfer prohibited. Licenses shall not be transferable. (1983 Code, § 5-602)

**14-303. Application for license; action on.** (1) Applications for a mobile home park license shall be filed with and issued by the building inspector. Applications shall be in writing signed by the applicant and shall contain the following:

(a) The name and address of the applicant.

(b) The location and legal description of the mobile home park.

(c) A complete plan of the park showing compliance with § 14-310.

(d) Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park. This sketch shall be drawn to scale showing the number and arrangement of mobile home lots, roadways, water supply, water outlets, location and type of sewers, liquid and garbage disposal, and the location of the buildings for toilets, baths, laundries and other facilities.

(e) Such further information as may be requested by the building inspector to enable him to determine if the proposed park will comply with legal requirements.

(2) The application and all accompanying plans and specifications shall be filed in triplicate. The building inspector and the health officer shall inspect the proposed plans and specifications and shall make a report of their findings to the board of zoning appeals. The board of zoning appeals shall inspect the site and the proposed plans and may approve the plans subject to such reasonable conditions as are necessary to protect adjoining and neighboring property and such conditions as are necessary to insure a safe, attractive, and pleasant park development. The board of zoning appeals may disapprove the application but must state its reasons for such disapproval in writing. (1983 Code, § 5-603)

**14-304. License fee.** The annual license fee for each mobile home park shall be equal to but not greater than the amount allowed by the state privilege tax. (1983 Code, § 5-604)

**14-305. Issuance of license.** The license shall be issued by the city recorder, but only upon completion of the park in conformance with plans and specifications approved by the board of zoning appeals. (1983 Code, § 5-605)

**14-306. Revocation of license.** The health officer shall make periodic inspections of the park to assure compliance with this chapter. In case of noncompliance with any provisions of this chapter, the health officer shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the health officer shall recommend to the city council revocation of the offending park's license. The city council shall hold a hearing on the matter and upon determination of noncompliance revoke said license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law. (1983 Code, § 5-606)

**14-307. Display of license.** The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park at all times. (1983 Code, § 5-607)

**14-308. Parking of mobile homes on streets, etc., restricted.** Mobile homes shall not be parked on any public thoroughfare, street, alley or public place in the city for longer than one hour when no emergency for repairs exists. (1983 Code, § 5-608)

**14-309. Parking of mobile homes by dealers, etc.** None of the provisions of this chapter shall be construed as prohibiting the parking of mobile homes for display by a duly authorized and licensed dealer or sales agency, provided that the lot where such mobile homes are parked is within an area or zone where such type of business is permitted by the zoning ordinance of the city. (1983 Code, § 5-609)

**14-310. Mobile home park plans.** The mobile home park shall be designed for either independent mobile homes or for dependent mobile homes, but a park designed for independent mobile homes shall not accept dependent mobile homes. The mobile home park shall conform to the following requirements:

(1) **Location generally.** The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(2) Mobile home plot size and spacing of mobile homes. Mobile home spaces for independent mobile home units shall be provided consisting of a minimum of two thousand one hundred (2,100) square feet for each space which shall be at least thirty (30) feet wide and clearly defined. Mobile home spaces for dependent mobile home units shall be provided consisting of a minimum of one thousand five hundred (1,500) square feet for each space which shall be at least twenty-five (25) feet wide and clearly defined. Mobile homes shall be so harbored on each space that there shall be at least a fifteen (15) foot clearance between mobile homes, provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than ten (10) feet. No mobile home shall be located closer than seven (7) feet from any property line bounding the park.

It shall not be a violation of this chapter for a camper tent-trailer or other overnight sleeping facility to temporarily occupy a dependent mobile home space, but not more than one unit may use each space.

(3) Driveways. All mobile home spaces shall abut upon a driveway of not less than thirty (30) feet in width which shall have unobstructed access to a public street, alley or highway. The board of zoning appeals may stipulate an appropriate dust-free surface material to be provided. All driveways shall be lighted at night with twenty-five (25) watt lamps at intervals of one hundred (100) feet located approximately fifteen (15) feet from the ground.

(4) Sanitary facilities. Each park that accepts a dependent trailer shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities, and other sanitary facilities as hereinafter more particularly prescribed.

(5) Walkways. Paved walkways not less than two (2) feet wide shall be provided from the mobile home spaces to the service buildings. The walkways shall be lighted at night with twenty-five (25) watt lamps at intervals of one hundred (100) feet approximately fifteen (15) feet from the ground.

(6) Electricity. An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each mobile home space, and shall be weatherproof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code, and Tennessee Department of Insurance and Banking Regulation No. 15, entitled "Regulation Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization. (1983 Code, § 5-610)

**14-311. Location of mobile home parks.** Mobile home parks for independent mobile homes may be located in any R-3 residential district. Mobile home parks for dependent mobile homes may be located in any B-2 business district. (1983 Code, § 5-611)

**14-312. Water facility requirements.** An adequate supply of water under pressure from a source and of a quality approved by the Tennessee Department of Health shall be provided. Where possible, approved municipal water supplies shall be used. Water shall be piped to each mobile home lot. There shall be a water outlet in each shower room, wash room, laundry room, sink, and night waste container washing facilities. (1983 Code, § 5-612)

**14-313. Sanitary facility requirements.** Each park that accepts a dependent trailer shall be provided with toilets, baths or showers, slop sinks, and other sanitation facilities which shall conform to the following requirements:

(1) **Separate toilet facilities required.** Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a soundproof wall.

(2) **Women's toilet facilities.** Toilet facilities for women shall consist of not less than two (2) flush toilets for every ten (10) dependent mobile home spaces, and two (2) lavatories for every twenty (20) dependent mobile home spaces. Each toilet, shower and bathtub shall be in a private compartment.

(3) **Men's toilet facilities.** Toilet and urinal facilities for men shall consist of not less than one (1) flush toilet for every ten (10) dependent mobile home spaces, one (1) shower or bathtub for every ten (10) dependent mobile home spaces, and one (1) lavatory for every ten (10) dependent mobile home spaces. Each toilet, shower and bathtub shall be in a private compartment.

(4) **Buildings.** Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, plumbing, gas, and sanitation systems, and shall be located not closer than fifteen (15) feet or farther than one hundred fifty (150) feet from any dependent mobile home space.

(5) **Slop sink required.** Each service building shall contain at least one slop sink for each sex located in a separate compartment.

(6) **Lighting ventilation.** The service buildings shall be well lighted at all times of the day and night and shall be well ventilated with screened openings; shall be constructed of such moisture proof materials, including painted woodwork, as shall permit repeated cleaning and washing; shall be maintained at a temperature of at least 70 degrees Fahrenheit during the period from October 1 to May 1; and shall supply a minimum of three (3) gallons of hot water per hour per mobile home space during time of peak demands. The floors of the service building shall be of concrete or approved tile material and shall slope to a floor drain connected with the sewerage system.

(7) **Liquefied petroleum gas.** Liquefied petroleum gas for cooking purposes shall not be used at individual mobile home spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened in place, and adequately protected from the weather. No cylinder containing liquefied

petroleum gas shall be located in a mobile home, nor within five (5) feet of a door thereof.

(8) **Maintenance.** All service buildings, mobile homes, mobile home spaces, and the grounds of the park shall be maintained in a clean, slightly condition and kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance. (1983 Code, § 5-613)

**14-314. Laundry facility requirements.** When required the laundry facilities shall be provided in the ratio of one (1) double laundry tub and ironing board for every twenty (20) mobile home spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board.

Drying spaces shall be provided sufficient to accommodate the laundry of the mobile home occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations, plumbing, gas, and sanitation systems. (1983 Code, § 5-614)

**14-315. Sewage facility requirements.** Waste from showers, bathtubs, toilets, slop sinks, and laundries shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer disposal plant or septic tank system of such construction and in such manner to conform to the specifications of the health officer. All kitchen sinks, washbasins, bath or shower tubs in any mobile home harbored in any park shall empty into the sanitary sink drain located on the mobile home space. Mobile home parks within three hundred (300) feet of the municipal sewer shall connect thereto, with approved and sized lines. (1983 Code, § 5-615)

**14-316. Refuse facility requirements.** Storage, collection, and disposal of refuse shall be accomplished as provided in title 17 of this code. Satisfactory container racks shall be provided and shall be located not more than one hundred fifty (150) feet from any mobile home. (1983 Code, § 5-616)

**14-317. Fire prevention regulations.** The mobile home park area shall be subject to the rules and regulations of the fire prevention authorities having jurisdiction. (1983 Code, § 5-617)

**14-318. Permanent additions to mobile homes.** No permanent additions of any kind shall be built onto, nor become a part of, any mobile home. Skirting of mobile homes is permissible, but such skirting shall not permanently attach the mobile home to the ground, provide a harborage for rodents, or create a fire hazard. The wheels of the mobile home shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed

under the frame of the mobile home to prevent movement on the springs while the mobile home is parked and occupied. (1983 Code, § 5-618)

**14-319. Register of park occupants to be kept.** (1) It shall be the duty of the licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

(a) Name and address of each occupant.

(b) The make, model, and year of all automobiles and mobile homes.

(c) License number and owner of each mobile home and the automobile by which it is towed.

(d) The state issuing such license.

(e) The dates of arrival and departure of each mobile home.

(2) The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration. (1983 Code, § 5-619)

**14-320. Application of chapter to existing of annexed parks.** Any mobile home park which is existing on October 25, 1966, or any park which may subsequently become subject to this chapter by annexation shall conform to the provisions of this chapter within not less than three (3) years from the date of adoption or annexation. (1983 Code, § 5-620)

## CHAPTER 4

### MUNICIPAL FLOODPLAIN ZONING ORDINANCE

#### SECTION

- 14-401. Statutory authorization, findings of fact, purpose and objectives.
- 14-402. Definitions.
- 14-403. General provisions.
- 14-404. Administration.
- 14-405. Provisions for flood hazards reduction.
- 14-406. Variance procedures.
- 14-407. Legal status provisions.

**14-401. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in §§ 13 -7-201 through 13-7-210, Tennessee Code Annotated, 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 Trenton Tennessee, Mayor and Council do ordain as follows:

(2) Findings of fact. (a) The City of Trenton 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 Trenton, 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 chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This chapter 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 chapter 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. (as added by Ord. #326, Oct 2019 *Ch10\_11-10-20*)

**14-402. 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 chapter its most reasonable application given its stated purpose and objectives.

**Accessory structure** means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(1) Accessory structures shall only be used for parking of vehicles and storage.

(2) Accessory structures shall be designed to have low flood damage potential.

(3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.



(4) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(5) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

**Addition (to an existing building)** means any walled and roofed expansion to the perimeter or height of a building.

**Appeal** means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

**Area of shallow flooding** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1'-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**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.

**Area of special flood hazard** see **special flood hazard area**.

**Base flood** means the flood having a one percent 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.

**Basement** means any portion of a building having its floor subgrade (below ground level) on all sides.

**Building** see **structure**.

**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.

**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.

**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.

**Erosion** means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

**Exception** means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

**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.

**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.

**Existing structures** see **existing construction**.

**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).

**Flood** or **flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**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 or greater chance of occurrence in any given year.

**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.

**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.

**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.

**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.

**Floodplain or flood prone area** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**Historic structure** means any structure that is:

(1) 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;

(2) 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;

(3) 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

(4) Individually listed on the City of Trenton, Tennessee inventory of historic places which determined as eligible by communities with historic preservation programs that have been certified either:

(a) By the approved Tennessee program as determined by the Secretary of the Interior or

(b) Directly by the Secretary of the Interior.

**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.

**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.

**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 chapter.

**Manufactured home** means a structure, transportable in one 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."

**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.

**Map** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

**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 chapter, 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.

**National Geodetic Vertical Datum (NGVD)** means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**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.

**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.

**North American Vertical Datum (NAVD)** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**100-year flood** see **base flood**.

**Person** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies,

**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.

**Recreational vehicle** means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck;

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**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.

**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**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 FIRM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, Al-30, AE or A99.

**Special hazard area** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, Al-30, AE, A99, or AH.

**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 tilling; 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.

**State coordinating agency** the Tennessee Department of Economic and Community Development, 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.

**Structure** for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**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.

**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

- The appraised value of the structure prior to the start of the initial improvement, or
- In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

- 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;
- Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Substantially improved existing manufactured home park 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.

**Variance** is a grant of relief from the requirements of this chapter.

**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 chapter is presumed to be in violation until such time as that documentation is provided.

**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. (as added by Ord. #326, Oct 2019 *Ch10\_11-10-20*)

**14-403. General provisions.** (1) Application. This chapter shall apply to all areas within the incorporated area of the City of Trenton, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified in the City Trenton, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 164, 168, 277, 281, 280, 279, and 285,

dated November 5, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter 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 chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, 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 chapter 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 chapter 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 chapter shall not create liability on the part of the City of Trenton Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter 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 Trenton, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #326, Oct 2019 *Ch10\_11-10-20*)

**14-404. Administration.** (1) Designation of ordinance administrator. The building inspector is hereby appointed as the administrator to implement the provisions of this chapter.



(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 pennit 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 chapter.

(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 chapter.

(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 § 14-405(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,

(c) Finished construction stage: Upon completion of construction, a FEMA elevation certificate which depicts all finished construction elevations is required to be submitted to the floodplain administrator. If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the permit holder to the floodplain administrator. Along with the floodproofing certificate an operation and maintenance plan must be provided.

(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 chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-404(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 flood proofed, in accordance with § 14-404(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 § 14-404(2).

(i) Where interpretation is needed as to the exact location of boundaries or 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 is provided in this chapter.

(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 Trenton, Tennessee FIRM meet the requirements of this chapter.

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #326, Oct 2019 *Ch10\_11-10-20*)

**14-405. 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 water 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 chapter;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this chapter, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-405(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 § 14-405(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 § 14-402). 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 § 14-402). 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 § 14-404(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 § 14-405(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 § 14-402).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-405(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-505(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-403(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 Trenton Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(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 § 14-403(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 § 14-405(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 § 14-403(2) 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 § 14-405(1) and (2).

(b) Require that all new subdivision proposals ond 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 § 14-404). All applicable data including elevations or



floodproofing certifications shall be recorded as set forth in § 14-404(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-405(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 Trenton, 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 § 14-405(1) and (2). Within approximate A Zones, require that those subsections of § 14-405(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 All Zones). Located within the special flood hazard areas established in § 14-403(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' to 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 § 14-405(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 § 14-405(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 chapter and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-404(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 § 14-403(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 §§ 14-404 and 14-405 shall apply.

(8) Standards for unmapped streams. Located within the City of Trenton, 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 §§ 14-404 and 14-405. (as added by Ord. #326, Oct 2019 *Ch10\_11-10-20*)

**14-406. Variance procedures.** (1) Municipal board of zoning appeals.

(a) Authority. The City of Trenton, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(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 chapter. 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 forty dollars (\$40.00) 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 fifteen (15) 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 on, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Trenton, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(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 chapter 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 chapter, 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 chapter, 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 chapter.

(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 § 14-406(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. (as added by Ord. #326, Oct 2019 *Ch10\_11-10-20*)

**14-407. Legal status provisions.** (1) Conflict with other ordinances. In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of the City of Trenton, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional.

(3) Effective date. This chapter shall become effective immediately after its passage, in accordance with the Charter of the City of Trenton, Tennessee, and the public welfare demanding it. (as added by Ord. #326, Oct 2019 *Ch10\_11-10-20*)

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

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

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

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

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. City registration of motor vehicles required.
- 15-124. Compliance with financial responsibility law required.

**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. (1983 Code, § 9-101)

**15-102. Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1983 Code, § 9-106)

**15-103. Reckless driving.** Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1983 Code, § 9-107)

**15-104. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1983 Code, § 9-109)

**15-105. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the 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. (1983 Code, § 9-110)

**15-106. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1983 Code, § 9-111)

**15-107. Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1983 Code, § 9-112)

**15-108. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1983 Code, § 9-113)

**15-109. General requirements for traffic-control signs, etc.** All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>2</sup> published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type

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<sup>1</sup>Municipal code references

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

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



and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1983 Code, § 9-114)

**15-110. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1983 Code, § 9-115)

**15-111. Presumption with respect to traffic-control signs, etc.** When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1983 Code, § 9-116)

**15-112. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1983 Code, § 9-117)

**15-113. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1983 Code, § 9-118)

**15-114. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1983 Code, § 9-120)

**15-115. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1983 Code, § 9-121)

**15-116. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1983 Code, § 9-122)

**15-117. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (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. (1983 Code, § 9-123)

**15-118. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1983 Code, § 9-124)

**15-119. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1983 Code, § 9-125)

**15-120. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and

unobstructed to enable him to make the movement in safety. (1983 Code, § 9-126)

**15-121. Damaging pavements.** No person shall operate or cause to be operated upon any street of the city 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. (1983 Code, § 9-119)

**15-122. Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

No person under the age of sixteen (16) years shall operate any motorcycle or motor driven cycle while any other person is a passenger upon said motor vehicle.

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1983 Code, § 9-127)

**15-123. City registration of motor vehicles required.** (1) The County Clerk of Gibson County, Tennessee, will collect for the City of Trenton,

Tennessee, a fee of twenty-eight dollars (\$28.00) from every person, firm or corporation living in or having a place of business in Trenton, Tennessee, and having motor vehicles using the city streets, with the following exceptions:

- (a) Ex-Prisoner of War or surviving spouse, not more than two (2) free.
- (b) Congressional Medal of Honor, no more than two (2) free.
- (c) Legion of Valor, no more than two (2) free.
- (d) Disabled veteran permanently confined to a wheel chair, no more than two (2) free.
- (e) Disabled Purple Heart combat wounded, permanently disabled no more than two (2) free.
- (f) Disabled driver permanently confined to wheel chair, nor more than two (2) free.
- (g) Government owned vehicles.
- (h) Dealer plates.
- (i) Temporary registrations.
- (j) Air Medal of Valor (permanent) (1st plate).
- (k) Air Force Cross (1st plate).
- (l) Bronze Star Valor (1st plate).
- (m) Distinguished Service Cross (1st plate).
- (n) Distinguished Flying Cross (1st plate).
- (o) Nave Cross (1st plate).
- (p) Silver Star (1st plate).
- (q) Gold Star Family (permanent).
- (r) Others may apply.

(2) The city registration shall expire at the same time as the motor vehicle's state license plate and the county clerk will collect the fee upon every vehicle at the time as the state license, plate for the motor vehicle is purchased.

(3) When a registrant is late and/or owes more than one (1) year state/county fees, the registrant will owe like years of city sticker fees.

(4) In the normal course of notification by Gibson County, people living in Trenton and purchasing the state license plates in another county will be notified they are in violation and given notice that the fee is due. If the fee is not paid, the clerk's office will notify the Trenton City Government, who will cite the person or persons to court for collection.

(5) The Gibson County Clerk shall retain five percent (5%) plus one dollar (\$1.00) from each fee collected for collecting fees. The clerk will remit to the City of Trenton by the 10th of each month, less the collection fee of five percent (5%) plus one dollar (\$1.00) for each fee collected. In addition, the clerk will furnish the City of Trenton with a printout or such other documentation as the clerk may maintain showing the number of sales and the names of the persons, firms, or corporations who have registered vehicles.

(6) The county clerk's office will not be responsible for mail in applications not including the Trenton fee with registration. The clerk's office

will identify these in the monthly report to the City of Trenton for the city to collect.

(7) A violation of any provision of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense plus court costs. (1983 Code, § 9-128, as replaced by Ord. #333, Sept. 2020 *Ch10\_11-10-20*)

**15-124. Compliance with financial responsibility law required.**

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

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(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 by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person so charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of

failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #233, March 2002)

## 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. (1983 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 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1983 Code, § 9-103)

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<sup>1</sup>Municipal code reference

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

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1983 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. (1983 Code, § 9-105)



## CHAPTER 3

### SPEED LIMITS

#### SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.

**15-301. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty-one (31) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1983 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. (1983 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 not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the city council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1983 Code, § 9-203)

**15-304. In congested areas.** It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the city. (1983 Code, § 9-204)

## CHAPTER 4

### TURNING MOVEMENTS

#### SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1983 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. (1983 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. (1983 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. (1983 Code, § 9-304)

**15-405. U-turns.** U-turns are prohibited. (1983 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. At pedestrian control signals.
- 15-510. 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, 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. (1983 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. (1983 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. (1983 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. (1983 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. (1983 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. (1983 Code, § 9-406)

**15-507. At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

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

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

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

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

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

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1983 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. (1983 Code, § 9-408)

**15-509. At pedestrian control signals.** Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Wait or Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1983 Code, § 9-409)

**15-510. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1983 Code, § 9-410)

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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.
- 15-607. Parking of trucks, trailers and recreational vehicles.
- 15-608. Residential 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. (1983 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. (1983 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. (1983 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 ten (10) feet thereof.
- (4) Within ten (10) 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. (1983 Code, § 9-504)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1983 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. (1983 Code, § 9-512)

**15-607. Parking of trucks, trailers and recreational vehicles.**

- (1) No person shall park or leave standing on any public right-of-way in the City of Trenton any of the following:
  - (a) A truck with a gross weight capacity in excess of twelve thousand (12,000) pounds.
  - (b) A trailer in excess of twenty (20) feet in length.
  - (c) A recreational vehicle for a period of more than ten (10) days.
  - (d) Any truck or trailer in excess of one ton capacity, or truck power unit or tractor in excess of one ton in weight, upon either side of any street, in front of or adjacent to any residence, church, school,



hospital, business, or playground for more than four (4) consecutive hours.

(2) The provisions of this section shall not apply to any vehicle which is parked or left standing expressly for the purpose of loading or unloading, provided the vision of traffic is not obstructed. For the purposes of this section, a reasonable amount of time on any day or successive days shall be allowed for loading and unloading, the amount of which time is to be determined according to the nature and extent of the loading and unloading operation.

(3) Definitions. For the purpose of this section, the following words and phrases shall have the following designated meaning unless a different meaning is expressly provided:

(a) "Trailer" means any vehicle without motive power, designed for carrying persons or property, on its own structure, and to be drawn by a vehicle with motor power. The term "trailer" includes trailer coach, semi-trailer or utility trailer but does not include recreational vehicles as defined below.

(b) "Truck" means any motor vehicle designed primarily for the transportation of property.

(c) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreation, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities of recreational vehicles are: travel trailer, camping trailer, truck camper and motor home.

(4) Any person who violates or fails to comply with the provisions of this section or who counsels, aids or abets any such violation, or failure to comply, shall be deemed guilty of an infraction and upon conviction thereof shall be punished by the imposition of a fine not to exceed \$250.00 per day for each violation.

(5) If any provision of this section, or the application of the provisions to any person or circumstances is held invalid, then the rest of the section, the application of the provisions to other persons or circumstances shall not be affected. (1983 Code, § 9-513)

**15-608. Residential parking.** (1) Automobiles and all other vehicles designed for passenger use may only be parked or stored in residential front yards on paved driveways, hard-surfaced parking spaces or other hard-surfaced area that is normally considered the driveway area of the lot.

(2) Residential driveways and hard-surface parking spaces or areas shall be limited to no more than twenty-five percent (25%) of the front yard. (as added by Ord. #328, Dec. 2019 *Ch10\_11-10-20*)

## 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. Use of driver's license in lieu of bail.
- 15-707. 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.

A police officer investigating a traffic accident may issue a written traffic citation to the driver of any vehicle involved in the accident when, based on his personal investigation, the officer has reasonable and probable grounds to believe that such person has violated any ordinance of the city and/or any law of the state. (1983 Code, § 9-601)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1983 Code, § 9-602)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner

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<sup>1</sup>State law reference

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

to answer for the violation within a time and at a place specified in the citation. (1983 Code, § 9-604)

**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 ten dollars (\$10.00) and the cost of storage on city property shall be two dollars (\$2.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored.

No release of impounded vehicle shall be made unless the ten dollar (\$10.00) fee and storage costs have been paid.

Any cost for storage at a private garage or lot resulting from towing shall be paid directly to the owner of such garage or lot. (1983 Code, § 9-605)

**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. (1983 Code, § 9-606)

**15-706. Use of driver's license in lieu of bail.** Whenever any person lawfully possessed of a chauffeur's or operator's license issued to him or her by the Tennessee Department of Safety, other state or territory or District of Columbia, is issued a citation or arrested and charged with a violation of any municipal ordinance or state statute regulating traffic, (except those ordinances and statutes, the violation of which call for the mandatory revocation of the license for any period of time) then that person is hereby granted the option of depositing his or her chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his or her appearance in the City Court of Trenton, Tennessee to answer such charge before the court. (1983 Code, § 9-603)

**15-707. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. For parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial

hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant is issued for his arrest, his civil penalty shall be five dollars (\$5.00).

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. SUBDIVISION INFRASTRUCTURE REIMBURSEMENT.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Damaging sidewalks, etc., with salt, 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 unless specifically authorized by council. (1983 Code, § 12-101)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1983 Code, § 12-102)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**16-103. Trees, etc., obstructing view at intersections prohibited.**

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, 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. (1983 Code, § 12-103)

**16-104. Projecting signs and awnings, etc., restricted.**

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1983 Code, § 12-104)

**16-105. Banners and signs across streets and alleys restricted.**

It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the city council after a finding that no hazard will be created by such banner or sign. (1983 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. (1983 Code, § 12-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1983 Code, § 12-107)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1983 Code, § 12-108)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1983 Code, § 12-109)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-110. Parades regulated.**<sup>1</sup> (1) Definitions. For purposes of this section, a parade is defined as any organized public procession on a street or roadway for the purpose of celebrating an event or occurrence or for the purpose of public demonstration. A funeral procession does not constitute a parade for purposes of this section.

(a) Parade application procedure. All individuals, groups or entities, "Applicant," that proposes to conduct a parade upon any street within the city limits of the City of Trenton shall comply with the following procedures:

(i) The application shall be submitted to the city recorder no less than thirty (30) calendar days prior to the date and time of the commencement of the parade.

(ii) The police chief, fire chief and mayor will review and approve or deny all parade applications.

(iii) It shall be a civil offense for an individual, group or entity to knowingly organize, engage in, participate in, aid or commence a parade upon any street of the city without making written application for and receiving a parade permit and complying with this section.

(2) Application requirements. (a) The application shall contain the following information and shall be signed by the applicant:

(i) The name, address and telephone number of the applicant and of any other persons, organizations, firms or corporations on whose behalf the application is made.

(ii) Date requested for the parade and the proposed schedule of start and stop times.

(iii) The specific route (include a map) to be traveled including city, county highway numbers and physical location and the starting and termination points.

(iv) A brief description of the proposed activities.

(v) Staging areas for the start of the parade and disassembly areas at the termination point must be designated and fully described. Applicant must sign a statement that all staging and disassembly areas on private or public property have been approved by the owner/management authorizing the use of property. The name, address and phone numbers for the owner/manager authorizing the use of property must be included in the application, including without limitation public rights-of-ways and property operated by the city, if applicable.

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<sup>1</sup>A copy of the City of Trenton, Tennessee, application for a permit to conduct a parade is available in the office of the city recorder.

(vi) The estimated number of persons to participate in the parade.

(vii) The estimated number, if any, of animals without riders, animals with riders, animal-drawn vehicles, floats, motor vehicles, motorized displays.

(viii) A signed statement ensuring that each marching unit or organization will only be allowed to conduct a stationary performance at the judges' stand. The marching unit or organization shall then continuously march along all other portions of the parade route.

(ix) A signed statement that sponsors will ensure that assembly and disassembly of the parade will be directed and orderly so as not to block or interfere with traffic flow.

(x) A signed statement ensuring that the applicant will be responsible for the ground maintenance of the assembly and disassembly areas that occur in public rights-of-way including without limitation cleaning and removal of animal droppings.

(xi) A signed statement ensuring that the applicant understands the following:

(3) Horse units. Horse units may be permitted under the following conditions:

(a) All horses must be under the control of a responsible person at all times.

(b) Riders may not consume intoxicating beverages immediately before or during the parade.

(c) There must be an individual unit following horse formation to clean up the debris from the horses on the parade route.

(4) Prohibited acts. (a) Candy, gum, beads, paper or any other article(s) shall not be thrown from any type of vehicle during a parade. This shall include, but not be limited to, persons on horseback.

(b) Parade participants, spectators, and the public are prohibited from disembarking from or attempting to board a moving vehicle during a parade.

(c) Vendors are not to be on the street from 10:00 A.M. until 12:30 P.M.

(d) No motorized units shall exceed ten (10) miles per hour while on the parade route. No motorized units shall be driven in a reckless manner. The mayor, police chief and fire chief may establish other conditions as deemed appropriate.

(e) There shall be no open display or consumption of intoxicating beverages on or in floats or units. No person operating a motor vehicle within the parade or at any time two (2) hours prior to the parade, or be under the influence of alcohol or controlled substances at any time during the parade.



(f) No floats or units shall include any vulgar or obscene act, shall contain vulgar, obscene or offensive language, contain anything defamatory or otherwise offensive to the general members of the community. No person shall use vulgar, obscene or derogatory language while on a float or unit.

(5) Parade floats. Any float either pulled or self-propelled will be approved by the mayor, fire chief and/or police chief.

(6) Issuance of parade permit. Upon receipt of the parade application, the city recorder shall normally furnish to the applicant, within fifteen (15) working days, excluding Saturdays, Sundays and legal holidays, appropriate approval or denial of the application. Approval or denial of the application may be delayed if the applicant fails to give complete information, if the proposed route requires staff research or if other aspects of the application require staff review that exceeds the normal process.

In the event the application reveals that the parade staging, parade route and parade disassembly requested will interfere with the orderly flow of vehicular or pedestrian traffic, the police chief, fire chief and mayor shall have authority to establish a reasonable alternate route and to regulate the width and the duration of the parade.

(7) Denial of parade permit. The police chief, fire chief and mayor shall deny an application (permit) when:

(a) The applicant fails to provide complete information on the application required under this section.

(b) The movement of the parade will conflict in time and location with another parade for which a permit has previously been granted.

(c) The parade could damage roadways or other facilities of the city.

(d) The applicant refuses to sign a statement ensuring that each marching unit or organization will only be allowed to conduct one (1) stationary performance at the judges' stand during the parade route.

(e) The applicant refuses to sign a statement ensuring that appropriate property owner/managers have authorized their property for use as staging and disassembly areas.

(f) The applicant refuses to sign a statement ensuring that the parade assembly and disassembly will be directed and orderly so as not to block or interfere with traffic flow.

(8) Revocation of permit. (a) The police chief, fire chief and/or mayor shall revoke a parade permit when the information contained in the application is found to be inaccurate in any material detail.

(b) The police chief, fire chief and/or mayor may revoke the parade permit if the parade fails to begin within thirty (30) minutes of the appointed time of commencement.

(c) The police chief, fire chief and/or mayor may revoke the parade permit if the applicant misrepresents the number of participants in the parade.

(d) The police chief, fire chief and/or mayor shall revoke a parade permit based on reasonable grounds to believe that the parade is being conducted in a manner constituting a danger to any person or property.

(e) The police chief, fire chief and/or mayor shall revoke a parade permit for failure to comply with this section.

(9) Indemnification. An applicant and/or the sponsors and/or any other individual or entity reasonably required by the city must execute a written indemnity agreement, in the form and substance required by the city, indemnifying and holding harmless the city and its officers and employees and parties in interest with the city against all claims, damages or causes of action arising from the parade resulting in injury, damage or death to persons or property, whether public or private. The applicant shall take all reasonable measures necessary to protect the parade participants. Insurance shall be furnished prior to the parade in the form, substance and limits required by the City of Trenton. (1983 Code, § 12-110, as replaced by Ord. #252, March 2008)

**16-111. Operation of trains at crossings regulated**. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1983 Code, § 12-111, modified)

**16-112. Animals and vehicles on sidewalks**. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1983 Code, § 12-112)

**16-113. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1983 Code, § 12-113)

**16-114. Damaging sidewalks, etc., with salt, etc.** It shall be unlawful for any person to place salt or any other chemical or substance upon the sidewalks, curbs, and gutters of the city which results in the discoloration, deterioration, or damage to same. Any person violating this section shall be punished as authorized under the general penalty clause for this code and further shall be financially responsible for the replacement and/or repair of said damage to said sidewalk, curb, or gutter. (1983 Code, § 12-114)

## 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.
- 16-210. Driveway curb cuts.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1983 Code, § 12-201)

**16-202. Applications.** Applications for such permits shall be made to the city building inspector, or such persons as the building inspector 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 for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such applications shall be rejected or

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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).

approved by the city building inspector within twenty-four (24) hours of filing. (1983 Code, § 12-202, as replaced by Ord. #262, Dec. 2008)

**16-203. Fee.** The fee for such permits shall be twenty-five dollars (\$25.00). (1983 Code, § 12-203, as replaced by Ord. #262, Dec. 2008)

**16-204. Deposit or bond.** No permit shall be issued unless and until the applicant therefor has deposited with the city building inspector a cash deposit. The amount is to be determined by the city building inspector. The deposit shall be a sum to insure the proper restoration of the ground and laying of the pavement, if any. The unused portion of the deposit shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. The applicant shall be responsible for any additional costs if the original deposit is not sufficient to cover the proper restoration.

In lieu of a deposit the applicant may provide a surety bond in such form and amount as the city building inspector shall deem to be adequate to cover the costs to the city if the applicant fails to make proper restoration. (1983 Code, § 12-204, as replaced by Ord. #262, Dec. 2008)

**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. (1983 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 using the infrared heat patching method unless other arrangements have been made in advance with the city. The city will give notice to the entity making the excavation or tunnel of a specified reasonable time by which restoration must be accomplished. If restoration has not been completed within the specified time, the work will 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 failing to perform restoration. (1983 Code, § 12-206, as replaced by Ord. #262, Dec. 2008, and Ord. #276, Oct. 2012)

**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 applicant is insured against claims for damages for personal injury as well as against claims for property damage which may arise from and out of the performance of the work, whether such performance be by applicant, applicant's subcontractor or anyone directly or indirectly employed by applicant. 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 city building inspector in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$300,000.00 for each person and \$700,000.00 for each accident, and for property damages not less than \$100,000.00 for any one (1) accident, and a \$225,000.00 aggregate. (1983 Code, § 12-207, as replaced by Ord. #262, Dec. 2008)

**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 is completed. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city building inspector. (1983 Code, § 12-208, as replaced by Ord. #262, Dec. 2008)

**16-209. Supervision.** The city 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. (1983 Code, § 12-209, as replaced by Ord. #262, Dec. 2008)

**16-210. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without obtaining a permit from the city building inspector. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided to separate said driveways. Driveway aprons shall not extend out into the street. (1983 Code, § 12-210, as replaced by Ord. #262, Dec. 2008)

### CHAPTER 3

#### SUBDIVISION INFRASTRUCTURE REIMBURSEMENT

##### SECTION

16-301. Amount of reimbursement.

16-302. Time limit for reimbursement.

16-303. Developer responsibility for fees.

16-304. Discontinuance of program.

**16-301. Amount of reimbursement.** The developer of an approved subdivision within the city limits of the City of Trenton shall be eligible for reimbursement of infrastructure costs incurred by the developer. The maximum reimbursement shall be \$1000 per lot for the first twenty lots sold and \$1500 for each lot sold after the twentieth lot. (Ord. #202, July 1998)

**16-302. Time limit for reimbursement.** The reimbursement shall be paid to the developer upon the sale of each lot for a period of five years from the date the subdivision plat is recorded. (Ord. #202, July 1998)

**16-303. Developer responsibility for fees.** The developer shall pay any recording, permit or tap fees. (Ord. #202, July 1998)

**16-304. Discontinuance of program.** The City Council of the City of Trenton may suspend or discontinue this infrastructure reimbursement at any time at its discretion. (Ord. #202, July 1998)

**TITLE 17**

**REFUSE AND TRASH DISPOSAL<sup>1</sup>**

**CHAPTER**

**1. REFUSE.**

**CHAPTER 1**

**REFUSE**

**SECTION**

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Burning.
- 17-105. Location of containers.
- 17-106. Disturbing containers.
- 17-107. Collection.
- 17-108. Collection vehicles.
- 17-109. Disposal.
- 17-110. Refuse collection fee.
- 17-111. Removal of trash, debris, branches, cuttings, etc.
- 17-112. Tree trimmers.

**17-101. Refuse defined.** Refuse shall mean and include garbage, and rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1983 Code, § 8-201)

**17-102. Premises to be kept clean.** All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1983 Code, § 8-202)

**17-103. Storage.** Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall be provided with an appropriate refuse container on wheels. No refuse shall be placed in the refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

clippings, and similar materials shall be cut to a length not to exceed four feet (4') and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection. (1983 Code, § 8-203, as replaced by Ord. #279, Jan. 2013)

**17-104. Burning.** (1) Burning trash or garbage in any container used for garbage pick-up is strictly prohibited and no such container shall be emptied by the sanitation workers when there is evidence of burning.

(2) It shall be unlawful to burn trash in any city-owned dumpster. (1983 Code, § 8-203.1)

**17-105. Location of containers.** Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates shall deposit the refuse container at curb side for collection on the days assigned for collection by an announced schedule. (1983 Code, § 8-204, as replaced by Ord. #280, Jan. 2013)

**17-106. Disturbing containers.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1983 Code, § 8-205)

**17-107. Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the city council shall designate. Collections shall be made regularly in accordance with an announced schedule. (1983 Code, § 8-206)

**17-108. Collection vehicles.** The collection of refuse shall be by means of vehicles meeting the requirements agreed upon between the City of Trenton and the refuse disposal company engaged by the city to handle refuse disposal. (1983 Code, § 8-207, as replaced by Ord. #281, Jan. 2012)

**17-109. Disposal.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the city council is expressly prohibited. (1983 Code, § 8-208)

**17-110. Refuse collection fee.** To fix equitable garbage fees to assist in paying for the collection and disposal of garbage and debris within the corporate city limits, the following monthly rates and schedules shall apply to each owner, occupant or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate and to each owner, occupant or other responsible person using or



occupying any building or other premises having a meter from the Trenton, Light and Water Department:

(1) Residential ninety-six (96) gallon cart:

(a) 2018

Times Per Week Pickup	Number of Carts	
	1	2
1	\$15.85	\$31.70
2	\$31.70	\$63.40

(b) 2019

Times Per Week Pickup	Number of Carts	
	1	2
1	\$16.17	\$32.34
2	\$32.34	\$64.68

(c) 2020

Times Per Week Pickup	Number of Carts	
	1	2
1	\$16.49	\$32.98
2	\$32.98	\$65.96

(d) 2021

Times Per Week Pickup	Number of Carts	
	1	2
1	\$16.82	\$33.64
2	\$33.64	\$67.28

## (e) 2022

Times Per Week Pickup	Number of Carts	
	1	2
1	\$17.16	\$34.32
2	\$34.32	\$68.64

## (2) Commercial ninety-six (96) gallon cart:

## (a) 2018

Times Per Week Pickup	Number of Carts	
	1	2
1	\$21.00	\$42.00
2	\$42.00	\$84.00

## (b) 2019

Times Per Week Pickup	Number of Carts	
	1	2
1	\$21.42	\$42.84
2	\$42.84	\$85.68

## (c) 2020

Times Per Week Pickup	Number of Carts	
	1	2
1	\$21.85	\$43.70
2	\$43.70	\$87.40

## (d) 2021

Times Per Week Pickup	Number of Carts	
	1	2
1	\$22.29	\$44.58

2	\$44.58	\$89.16
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(e) 2022

Times Per Week Pickup	Number of Carts	
	1	2
1	\$22.74	\$45.48
2	\$45.48	\$90.96

(3) Dumpster rates shall be as follows:

2-Yard Dumpsters

(a) 2018

Times Per Week Pickup	Number of Carts	
	1	2
1	\$52.47	\$104.94
2	\$66.29	\$132.58
3	\$82.19	\$164.38
4	\$107.74	\$215.48
5	\$133.44	\$266.88

(b) 2019

Times Per Week Pickup	Number of Carts	
	1	2
1	\$53.52	\$107.04
2	\$67.62	\$135.24
3	\$83.83	\$167.66
4	\$109.89	\$219.78
5	\$136.11	\$272.22

(c) 2020

Times Per Week Pickup	Number of Carts	
	1	2
1	\$54.59	\$109.18
2	\$68.97	\$137.94
3	\$85.51	\$171.02
4	\$112.09	\$224.18
5	\$138.83	\$277.66

(d) 2021

Times Per Week Pickup	Number of Carts	
	1	2
1	\$55.68	\$111.36
2	\$111.36	\$222.72
3	\$167.04	\$334.08
4	\$222.72	\$445.44
5	\$278.40	\$556.80

(e) 2022

Times Per Week Pickup	Number of Carts	
	1	2
1	\$56.79	\$113.58
2	\$113.58	\$227.16
3	\$170.37	\$340.74
4	\$227.16	\$454.32
5	\$283.95	\$567.90

4-Yard Dumpsters

(a) 2018

Times Per Week Pickup	Number of Carts	
	1	2
1	\$79.35	\$158.70
2	\$158.70	\$317.40
3	\$238.19	\$476.38

(b) 2019

Times Per Week Pickup	Number of Carts	
	1	2
1	\$80.94	\$161.88
2	\$161.88	\$323.76
3	\$242.95	\$485.90

(c) 2020

Times Per Week Pickup	Number of Carts	
	1	2
1	\$82.56	\$165.12
2	\$165.12	\$330.24
3	\$247.81	\$495.62

(d) 2021

Times Per Week Pickup	Number of Carts	
	1	2
1	\$84.21	\$165.12
2	\$168.42	\$336.24
3	\$252.77	\$505.24

(e) 2022

Times Per Week Pickup	Number of Carts	
	1	2
1	\$85.89	\$171.78
2	\$171.78	\$343.56
3	\$257.83	\$515.66

6-Yard Dumpsters

(a) 2018

Times Per Week Pickup	Number of Carts	
	1	2
1	\$114.41	\$228.82
2	\$228.82	\$457.64
3	\$341.29	\$682.58

(b) 2019

Times Per Week Pickup	Number of Carts	
	1	2
1	\$116.70	\$233.40
2	\$233.40	\$466.80
3	\$348.12	\$696.24

(c) 2020

Times Per Week Pickup	Number of Carts	
	1	2
1	\$119.03	\$238.06
2	\$238.06	\$476.14
3	\$355.08	\$710.16

(d) 2021

Times Per Week Pickup	Number of Carts	
	1	2
1	\$121.41	\$242.82
2	\$242.82	\$485.64
3	\$362.18	\$724.36

(e) 2022

Times Per Week Pickup	Number of Carts	
	1	2
1	\$123.84	\$247.68
2	\$247.68	\$495.36
3	\$369.42	\$738.84

8-Yard Dumpsters

(a) 2018

Times Per Week Pickup	Number of Carts	
	1	2
1	\$133.27	\$266.54
2	\$266.54	\$533.08
3	\$399.86	\$799.72

(b) 2019

Times Per Week Pickup	Number of Carts	
	1	2
1	\$135.94	\$271.88
2	\$271.88	\$543.76
3	\$407.86	\$815.72

## (c) 2020

Times Per Week Pickup	Number of Carts	
	1	2
1	\$138.66	\$277.32
2	\$277.32	\$664.64
3	\$416.02	\$832.04

## (d) 2021

Times Per Week Pickup	Number of Carts	
	1	2
1	\$141.43	\$282.86
2	\$282.86	\$565.72
3	\$424.34	\$848.78

## (e) 2022

Times Per Week Pickup	Number of Carts	
	1	2
1	\$144.26	\$288.52
2	\$288.52	\$577.04
3	\$432.83	\$865.66

(1983 Code, § 8-209, as replaced by Ord. #235, May 2002, Ord. #270, June 2011, Ord. #278, Dec. 2012, and Ord. #286, Feb. 2014, Ord. #312, Nov. 2017, and Ord. #334, Nov. 2020 *Ch10\_11-10-20*)

**17-111. Removal of trash, debris, branches, cuttings, etc.** Such accumulations shall be placed on the curb and will be collected by city trucks at no charge provided they meet the provisions of § 17-103 and do not exceed one truck load. Any accumulation in excess of one truck load will be collected by city truck after the property owner has agreed to pay the prevailing rate established for each additional load. (1983 Code, § 8-210)



**17-112. Tree trimmers.** (1) Definition. "Tree trimmer" shall include any person, firm, corporation or partnership, whether as owner, agent or partner who is professionally engaged for hire in the business of trimming, cutting or removing trees within the City of Trenton.

(2) Permit required. No tree trimmer shall engage in such business without a permit from the city. A permit shall be issued for each location. Said permit shall not have a duration of more than ten (10) days from issuance. A fee of twenty-five dollars (\$25.00) shall be collected for the issuance of each permit. The applicant for such permit shall submit to the city clerk a written affidavit of application containing the following information:

- (a) Name of applicant,
- (b) Complete permanent address,
- (c) A government issued photo id, and
- (d) Proof of insurance.

(3) Trimmers shall be responsible for removal of debris. All tree trimmers shall be responsible for the removal of all debris resulting from their tree trimming.

(4) Unlawful to leave debris in streets, alleys or on sidewalks. It shall be unlawful for any tree trimmer to leave any debris along the right-of-way of a public street, alley or sidewalk of the City of Trenton.

(5) Trimmers to be insured. All tree trimmers shall be insured for a minimum of five hundred thousand dollars (\$500,000.00) for injury to persons or property.

(6) Violations. A violation of this chapter, is punishable by the revocation of tree trimmer's business license. (as added by Ord. #329, Feb. 2020  
*Ch10\_11-10-20*)

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER AND SEWERS.
2. MUNICIPAL SEWER USE REGULATIONS.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1****WATER AND SEWERS****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Water and sewer main extensions.
- 18-108. Water and sewer main extension variances.
- 18-109. Meters.
- 18-110. Meter tests.
- 18-111. Multiple services through a single meter.
- 18-112. Billing.
- 18-113. Discontinuance or refusal of service.
- 18-114. Re-connection charge.
- 18-115. Termination of service by customer.
- 18-116. Access to customers' premises.
- 18-117. Inspections.
- 18-118. Customer's responsibility for system's property.
- 18-119. Customer's responsibility for violations.
- 18-120. Supply and resale of water.
- 18-121. Unauthorized use of or interference with water supply.
- 18-122. Limited use of unmetered private fire line.
- 18-123. Damages to property due to water pressure.
- 18-124. Liability for cutoff failures.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-125. Restricted use of water.
- 18-126. Interruption of service.
- 18-127. Schedule of rates.
- 18-128. Drought management plan.

**18-101. Application and scope.** The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1983 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the city under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water or sewer main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1983 Code, § 13-102)

**18-103. Obtaining service.** A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed. (1983 Code, § 13-103)

**18-104. Application and contract for service.** Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability

of the city to the applicant shall be limited to the return of any deposit made by such applicant. (1983 Code, § 13-104)

**18-105. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1983 Code, § 13-105)

**18-106. Connection charges.** Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water or sewer service line will be laid by the city, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the city the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1983 Code, § 13-106)

**18-107. Water and sewer main extensions.** Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Waterworks Association Standard (or other construction approved by the city council), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the city council) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the city council shall be used.

All such extensions shall be installed either by city forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water and/or sewer mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the city water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (1983 Code, § 13-108)

**18-108. Water and sewer main extension variances.** Whenever the city council is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the city council.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (1983 Code, § 13-109)

**18-109. Meters.** All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1983 Code, § 13-110)

**18-110. Meter tests.** The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

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

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be

accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1983 Code, § 13-111)

**18-111. Multiple services through a single meter.** No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1983 Code, § 13-113)

**18-112. Billing.** Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

Both charges shall be collected as a unit; no city employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

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

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise

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

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

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1983 Code, § 13-114)

**18-113. Discontinuance or refusal of service.** The city shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

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

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

No service shall be discontinued unless the customer is given reasonable notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1983 Code, § 13-115)

**18-114. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge of established by council shall be collected by the city before service is restored. (1983 Code, § 13-116)

**18-115. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1983 Code, § 13-117)

**18-116. Access to customers' premises.** The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1983 Code, § 13-118)

**18-117. Inspections.** The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1983 Code, § 13-119)



**18-118. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1983 Code, § 13-120)

**18-119. Customer's responsibility for violations.** Where the city furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1983 Code, § 13-121)

**18-120. Supply and resale of water.** All water shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the city. (1983 Code, § 13-122)

**18-121. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1983 Code, § 13-123)

**18-122. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1983 Code, § 13-124)

**18-123. Damages to property due to water pressure.** The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1983 Code, § 13-125)

**18-124. Liability for cutoff failures.** The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not

used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1983 Code, § 13-126)

**18-125. Restricted use of water.** In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1983 Code, § 13-127)

**18-126. Interruption of service.** The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1983 Code, § 13-128)

**18-127. Schedule of rates.** All water and sewer service shall be furnished under such rate schedules as the city may from time to time prescribe.<sup>1</sup> (1983 Code, § 13-112)

**18-128. Drought Management Plan.** The full text of the Drought Management Plan<sup>2</sup> is attached hereto and incorporated by reference. (as added by Ord. #313, Jan. 2018)

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<sup>1</sup>Administrative ordinances and resolutions are of record in the office of the city recorder.

<sup>2</sup>The Drought Management Plan, and all amendments thereto, may be found in the office of the city recorder.

**CHAPTER 2****MUNICIPAL SEWER USE REGULATIONS<sup>1</sup>****SECTION**

- 18-201. General provisions.
- 18-202. Definitions.
- 18-203. Abbreviations.
- 18-204. Regulations.
- 18-205. Fees.
- 18-206. Administration.
- 18-207. Enforcement.
- 18-208.--18-210. [Deleted.]

**18-201. General provisions. Purpose and policy.** This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Trenton, hereinafter known as the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1972, as amended, the Tennessee Water Quality Control Act of 1977, as amended, and the U.S. Environmental Protection Agency General Pretreatment Regulations found at 40 CFR, Part 403.

The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate any sludge resulting from the treatment of wastewater.
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of contributors to the municipal wastewater system through the issuance of permits and through enforcement of general requirements, authorizes monitoring and enforcement activities, requires reporting by users, assumes that existing customer's capacity will not

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

Cross connections: title 18, chapter 4.

be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city's publicly owned treatment works (POTW). Except as otherwise provided herein, the control authority shall administer, implement, and enforce the provisions of this chapter. (1983 Code, § 13-201, as replaced by Ord. #232, March 2002)

**18-202. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, enacted by Public Law 92-500, October 18, 1972, 33 USC 1251 *et seq.*; as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983; and PL 100-04, February 4, 1987.

(2) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation or his authorized representative.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

(4) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(5) "Carbonaceous Biochemical Oxygen Demand (CBOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure defined at 40 CFR Part 136, Method 405.1 including the use of a nitrification inhibitor.

(6) "Categorical pretreatment standards." Limitations on pollutant discharges to POTW's promulgated by EPA in accordance with Section 307 of the Act, that apply to specified process wastewaters of particular industrial categories defined at 40 CFR Part 403.6 and at 40 CFR Chapter I, Subchapter N.

(7) "Categorical industrial user." An industrial user subject to categorical pretreatment standards.

(8) "Chronic violation." The term used to describe violations of an industrial wastewater discharge permit when the limit for any one parameter listed in the permit is exceeded by any magnitude for sixty-six (66) percent or more of the total industrial self-monitoring events, plus control authority

compliance monitoring events in the six month period covered by the semi-annual report required by the approval authority.

(9) "City." The City of Trenton, Tennessee.

(10) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(11) "Control authority." The General Manager of the City of Trenton, Tennessee Light and Water Department or his designee.

(12) "Conventional pollutants." Wastewater characteristics including Carbonaceous Biochemical Oxygen Demand (CBOD), Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH as defined at 40 CFR Part 401.16; and ammonia reported as nitrogen (NH<sub>3</sub>-N) and organic nitrogen.

(13) "Daily maximum limit." The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(14) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(15) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(16) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(18) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under section 307(b), (c) or (d) of the Act, into the POTW (including holding tank waste discharged into the POTW).

(19) "Industrial user." A source of nondomestic wastewater. Any nondomestic source discharging pollutants to the POTW.

(20) "Instantaneous maximum limit." The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the wastewater flow rate and the duration of the sampling event.

(21) "Interference." A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(22) "National pretreatment standard or pretreatment standard." Any regulation promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to the specific category of industrial users and provides limitations on the introduction of pollutants into POTW's. This term includes the prohibited discharge limits found at 40 CFR Part 403.5, including local limits.

(23) "National prohibited discharges." Prohibitions applicable to all users regarding the introduction of pollutants into POTW's set forth at 40 CFR Part 403.5.

(24) "New source." Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed National Pretreatment Standards promulgated under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

(a) The building, structure, facility or installation is construction at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of any existing source at the same site.

In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source will be considered.

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 paragraphs (b) or (c) of § 18-202(24) hereinbefore, but otherwise alters, replaces or adds to existing process or production

equipment. Construction of a new source as defined under § 18-202(24) has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous on-site construction program any placement, assembly or installation of facilities or equipment; or significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

(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 § 18-202(24).

(25) "National Pollution Discharge Elimination System (NPDES) Permit." A permit issued pursuant to section 402 of the Act.

(26) "North American Industrial Classification System (NAICS)." A classification pursuant to the North American Industry Classification System issued by the executive office of the president, office of management and budget, 1997.

(27) "Person." Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(28) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in a solution measured using the standard procedure defined at 40 CFR Part 136, Method 150.1.

(29) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(30) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(31) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

(32) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(33) "Publicly owned treatment works (POTW)." A treatment works as defined by section 212 of the Act, which is owned in this instance by the city.

This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

(34) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(35) "Shall" is mandatory; "May" is permissive.

(36) "Significant industrial user." Any user of the POTW who is

(a) Subject to categorical pretreatment standards; or

(b) Has a process wastewater discharge flow of 25,000 gallons or more per average work day; or

(c) Has a flow or loading of conventional pollutants greater than 5% of the total flow or total conventional pollutant loading to the POTW treatment plant; or

(d) Is found by the control authority, approval authority or the EPA to have a reasonable potential for significant adverse impact, either singly or in combination with other contributing industries, on the POTW treatment plant, the quality of sewage sludge, the POTW effluent quality, or air emissions generated by the POTW treatment plant.

(37) "Significant noncompliance (SNC)." Any violation of pretreatment requirements (limits, sampling, analysis, reporting, compliance schedules and regulatory) which meet one or more of the following criteria:

(a) Violations of wastewater discharge limits including:

(i) Chronic violations;

(ii) Technical review criteria (TRC) violations;

(iii) Any other violation(s) of an effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public; or

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge as defined at 40 CFR Part 403.8 (f) (1) (vi) (B).

(b) Violations of compliance schedule milestones, contained in an enforcement order, for starting construction, completing construction and attaining final compliance by 90 days or more after the schedule date.

(c) Failure to provide reports for compliance schedules, self-monitoring data or as required for categorical industrial users (baseline monitoring reports, 90-day compliance reports and periodic reports) within 30 days from the due date.

(d) Failure to accurately report noncompliance.

(38) "State." State of Tennessee.



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

(40) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, measured using the standard procedure defined at 40 CFR Part 136, Method 160.3.

(41) "Technical review criteria (TRC) violation." The term used to describe violations of an industrial wastewater discharge permit when:

(a) The limit for carbonaceous biochemical oxygen demand, suspended solids, ammonia reported as nitrogen, or free oil and grease are exceeded by 140 percent for thirty-three (33) percent or more of the total industrial self-monitoring events, plus control authority compliance monitoring events, in the six-month period covered by the semi-annual report required by the approval authority.

(b) The limit for any other pollutant, except pH, is exceeded by 120 percent for thirty-three (33) percent or more of the total significant industrial user self-monitoring events, plus total control authority compliance monitoring events, in the six-month period covered by the semi-annual report required by the approval authority.

(42) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of section 307(a) of the Act.

(43) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(44) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(45) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (1983 Code, § 13-202, as replaced by Ord. #232, March 2002)

**18-203. Abbreviations.** The following abbreviations shall have the designated meanings:

BOD	- Biochemical Oxygen Demand (Five Day)
CBOD <sub>5</sub>	- Carbonaceous Biochemical Oxygen Demand (Five Day)
CFR	- Code of Federal Regulations.
COD	- Chemical Oxygen Demand.
EPA	- Environmental Protection Agency.
l	- Liter.
mg	- Milligrams.

mg/l	- Milligrams per liter.
NAICS	- North American Industrial Classification System.
NH <sub>3</sub> -N	- Ammonia Reported as Nitrogen.
NPDES	- National Pollutant Discharge Elimination System.
POTW	- Publicly Owned Treatment Works.
SWDA	- Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et seq.</u>
TSS	- Suspended Solids.
USC	- United States Code. (1983 Code, § 13-203, as replaced by Ord. #232, March 2002)

**18-204. Regulations.** (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the POTW (or at any point in the POTW) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

(b) Solid or viscous substances in a quantity or concentration which causes obstruction to the flow in a sewer or interference with the operation of the POTW treatment plant such as, but not limited to: vegetable and mineral oils, grease, garbage with particles greater than one-half inch (½") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having pH less than 5.0 or more than 9.0, or wastewater having any other corrosive property capable of causing damage of hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any POTW treatment plant process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the

POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307 (a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with the sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act or under 40 CFR Part 503; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C (104 degrees F) unless the POTW is designed to accommodate such temperature.

(j) Any pollutants, including oxygen demanding pollutants CBOD, COD,  $\text{NH}_3\text{-N}$  released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

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

shall advise the user of the impact of the contribution on the POTW and develop effluent limitations for such user to correct the interference with the POTW.

(2) Categorical pretreatment standards. Upon the promulgation of the categorical pretreatment standards for a particular industrial subcategory, the categorical pretreatment standard, if more stringent than limitations listed in (4)(b) of this section for sources in that category, shall immediately supersede the limitations listed in (4)(b) of this section. The control authority shall notify all affected significant industrial users of the applicable reporting requirements under 40 CFR, Section 403.12.

(3) Modification of categorical pretreatment standards. If the POTW treatment plant achieves consistent removal of pollutants limited by categorical pretreatment standards, the city may apply to the approval authority for modification of specific limits in the categorical pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant which is achieved by the POTW treatment plant as established by the average of the lowest 50 percent of the removals measured when measured according to the procedures set forth at 40 CFR Part 403.7(b)(2). The city may then modify pollutant discharge limits in the categorical pretreatment standards if the requirements listed in 40 CFR, Part 403.7, are fulfilled and prior approval from the approval authority is obtained.

(4) Wastewater discharge limitations. No user shall discharge wastewater containing in excess of the concentration listed for each of the following pollutants unless:

(a) An exception has been granted the user by the control authority; or

(b) The wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

Pollutant	Monthly Average Maximum Concentration (mg/l)	Daily Average* Maximum Concentration (mg/l)
Arsenic	0.92	1.84
Copper	2.06	4.12
Chromium	1.08	2.16
Nickel	3.74	7.48

Pollutant	Monthly Average Maximum Concentration (mg/l)	Daily Average* Maximum Concentration (mg/l)
Cadmium	0.08	0.16
Lead	0.29	0.58
Mercury	0.0005	0.001
Silver	0.01	0.02
Zinc	6.53	13.06
Cyanide	0.18	0.36
Toluene	0.49	0.98
Benzene	0.07	0.14
1,1,1 Trichloroethane	3.05	6.10
Ethylbenzene	0.22	0.44
Carbon Tetrachloride	0.14	0.28
Chloroform	0.78	1.56
Tetrachloroethylene	2.54	5.08
Trichloroethylene	3.05	6.10
1,2 trans Dichloroethylene	0.11	0.22
Methylene Chloride	11.44	22.88
Phenols, Total	15.25	30.50
Naphthalene	0.15	0.30
Phthalates, Total	3.93	7.86

\*Based on 24-hour flow proportional composite samples.

Sampling for all pollutants listed hereinbefore shall be conducted in accordance with the requirements found at 40 CFR Part 403.12(b)(5). Analyses for all pollutants listed hereinbefore shall be conducted in accordance with the requirements found at 40 CFR Part 136.

(5) Criteria to protect the POTW treatment plant influent.

(a) General. The city shall monitor the influent to the POTW treatment plant for each parameter listed hereinafter. In the event that the influent to the POTW treatment plant reaches or exceeds the concentration values for any parameter listed hereinafter, the control authority shall initiate technical studies to determine the cause of the exceedance, and shall implement remedial measures as are necessary, included, but not limited to the establishment of new or revised wastewater discharge limitations for these parameters. The control authority shall re-evaluate any of these criteria in the event the POTW treatment plant effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

Parameter	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)	Maximum Instantaneous Concentration in Grab Sample (mg/l)
CBOD <sub>5</sub>	200	400
TSS	200	400
NH <sub>3</sub> -N	15	30
Free Oil and Grease	100	200
Arsenic	0.100	0.200
Copper	0.230	0.460
Chromium	0.118	0.236
Nickel	0.409	0.818
Cadmium	0.009	0.018
Lead	0.039	0.078
Mercury	0.00005	0.0001
Silver	0.001	0.002
Zinc	0.800	1.600
Cyanide	0.021	0.042
Toluene	0.054	0.108

Parameter	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)	Maximum Instantaneous Concentration in Grab Sample (mg/l)
Benzene	0.008	0.016
1,1,1 Trichloroethane	0.333	0.666
Ethylbenzene	0.024	0.048
Carbon Tetrachloride	0.015	0.030
Chloroform	0.085	0.170
Tetrachloroethylene	0.278	0.556
Trichloroethylene	0.333	0.666
1,2 trans Dichloroethylene	0.013	0.026
Methylene Chloride	1.250	2.500
Phenols, Total	1.667	3.334
Naphthalene	0.017	0.034
Phthalates, Total	0.430	0.860

(b) Conventional pollutants. (i) CBOD, TSS AND NH<sub>3</sub>-N. The POTW treatment plant has a capacity to treat specific waste load concentrations and mass amounts of the conventional pollutants Carbonaceous Biochemical Oxygen Demand (CBOD), Suspended Solids (TSS), and Ammonia reported as Nitrogen (NH<sub>3</sub>-N). If a user discharges concentrations of these conventional pollutants in excess of the concentration values listed as criteria to protect the POTW treatment plant influent in section (5)(a) of this section, added operation and maintenance costs may be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in section (5)(a) of this section for any of the conventional pollutants CBOD, TSS, and/or NH<sub>3</sub>-N may be subject to a surcharge. The formula for calculation of this surcharge is listed in § 18-205(4) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for CBOD, TSS and/or NH<sub>3</sub>-N on the discharge by a user if the user's

discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(ii) "Free" oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants. "Free" and "emulsified" oil and grease shall be differentiated based on the following procedure. One aliquot of sample shall be extracted with n-hexane in accordance with the procedures established at 40 CFR Part 136, Method 1664, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "free" oil and grease. A second aliquot of sample shall be prepared in accordance with the procedures established at 40 CFR Part 136, Method 1664 including the adding of acid and heating until any emulsion breaks prior to the extraction. The sample shall then be extracted with n-hexane in accordance with the procedures established at 40 CFR Part 136, Method 1664. The result of this analysis will be considered "total" oil and grease. "Emulsified" oil and grease will be considered the arithmetic difference between "total" and "free" oil and grease.

If a user discharges concentrations of "free" oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in section (5)(a) of this section for "free" oil and grease, added operation and maintenance costs may be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in section (5)(a) of this section for "free" oil and grease may be subject to a surcharge. The formula for this surcharge is listed in § 18-205(4) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for "free" oil and grease or "total" oil and grease on the discharge by a user if the user's discharge of excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(6) State requirements. State requirements and limitations on discharges by users shall apply in any case where they are more stringent than EPA requirements and limitations or those in section (4)(b) of this section.

(7) City's right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 18-201 of this chapter.

(8) Excessive discharge. No user shall ever increase the use of process water, or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards, or in any other pollutant-



specific limitation developed by the state or listed in section (4)(b) of this section. Mixing of waste streams may be an acceptable means of complying with some of the prohibitions set forth in section (1) of this section, including pH prohibition.

(9) Accidental discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the POTW until accidental discharge procedures have been approved by the control authority. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the control authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The user shall sample and analyze for those parameters for which limitations were violated within 48 hours after discovery of the accidental discharge and report the results of the sample analysis to the control authority.

Within five (5) days following an accidental discharge, the user shall submit to the control authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

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 an accidental discharge of prohibited materials or other substances regulated by this chapter. Users shall insure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(10) Connection to public sewers. (a) Requirements for proper wastewater disposal.

(i) 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.

(ii) 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.

(iii) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(iv) Except as provided in § 18-204(10)(a)(v), the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes abutting on any street, alley or right-of-way in which there is now 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 public sewer in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the owners' property.

(v) The owner of a manufacturing facility may discharge wastewater directly to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Act, the NPDES permit and any other applicable local, state or federal statutes and regulations.

(vi) Where a public sanitary sewer is not available under the provisions of § 18-204(10)(a)(v), the building sewer shall be connected to a private sewage disposal system complying with the provisions of state laws and regulations governing private sewage disposal systems.

(b) Physical connection public sewer. (i) All costs and expenses incident to the installation, connection and inspection of building sewers shall be borne by the user. The user shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

(iii) Old building sewers may be used in connection with a new building only when they meet all requirements of this chapter. All others must be replaced in accordance with the requirements of this chapter.

(iv) Building sewers shall conform to the following requirements:

(A) The minimum size of a building sewer for connection of residual users to the POTW shall be four (4) inches.

(B) The minimum size of a building sewer for connection of commercial, institutional and industrial users to the POTW shall be six (6) inches.

(C) The minimum depth of cover above a building sewer shall be eighteen (18) inches.

(D) Four (4) inch building sewers shall be laid on a grade greater than 1/4-inch per foot. Six (6) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 3.0 feet per second.

(E) Slope and alignment of all building sewers shall be neat and regular.

(F) Building sewers shall be constructed only of ductile iron pipe with rubber compression joints or polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints or glued joints be acceptable.

(G) Cleanouts shall be located on building sewers as follows: one located five (5) feet outside of the building, one at the connection onto the POTW collector sewer line and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A branch "Y" (wye) and 45 degree bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches.

(H) Connections of building sewers to the POTW system shall be made at the appropriate existing wye 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 sewers shall be made by either removing a length of existing POTW sewer pipe and replacing it with a wye or tee fitting or by cutting a clean opening in the existing POTW sewer line and installing a tee-saddle or tee-insert of a type

approved by the control authority. All such connections shall be made gastight and watertight.

(I) The building sewer may be brought into the building below the basement floor when the building sewer can be constructed at the grade required in § 18-204(10)(b)(iv)(D) of this section from the building to the public sewer. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by a grinder pump furnished and installed by the city and discharged to the building sewer. Power to operate the grinder pump shall be provided by and at the expense of the user.

(J) 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 the procedures set forth in ASTM Standard D 2321 and Water Environment Federation Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

(K) An installed building sewer shall be gastight and watertight.

(v) 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.

(vi) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(c) Inspection of connections. Reserved.

(d) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on the user's property to insure that the building sewer remains watertight. This maintenance will include repair or replacement of the building

sewer as deemed necessary by the control authority to meet the requirements of this chapter. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or groundwater entry into the POTW are identified on building sewers on the user's property, the control authority may notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter must be complete within 60 days from the date of the written notice and entirely at the expense of the user.

(11) Prohibitions on storm drainage and groundwater. Storm water, groundwater, rain water, street drainage, roof top drainage, basement drainage, subsurface drainage, or yard drainage if unpolluted shall not be discharged to the POTW.

(12) Unpolluted water. Unpolluted water, including, but not limited to non-contact cooling water, shall not be discharged to the POTW unless such discharge is permitted by the user's wastewater discharge permit.

(13) Limitations on the use of garbage grinders. Waste from garbage grinders shall not be discharged into the POTW except where generated in preparation of food consumed on the premises. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse. This provision shall not apply to domestic residences.

(14) Limitations on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the control authority. The control authority shall incorporate in such temporary permit such conditions as he deems reasonably necessary to insure compliance with the provisions of this chapter and the user shall be required to pay applicable charges and fees therefor.

(15) Septic tank pumping, hauling, and discharge. The control authority shall designate the locations and times where trucks hauling septic tank pumpage may be discharged, and may refuse to accept any truckload of waste where it appears that the waste could interfere with the effective operation of the POTW treatment plant or any sewer line or appurtenance thereto.

(16) On-site private wastewater disposal facilities. Persons shall not discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to sanitary pit privies, septic tanks, and cesspools to drainage ditches or the surface of the ground. All on-site private wastewater disposal facilities shall be properly operated and maintained by the owner of the

property on which the facilities are located. Any new construction of on-site private wastewater disposal facilities within the service area of the city shall be in accordance with state requirements.

(17) Regulation of oil and grease discharge from commercial kitchens. Oil and grease discharge from commercial kitchens shall be subject to the following rules and regulations:

(a) Applicability and schedule for compliance. All existing and new establishments with commercial kitchens including restaurants, hospitals, schools, nursing homes, and grocery and convenience stores shall install and maintain oil and grease interceptor tanks in accordance with the provisions of section (17) of this section. All new establishments subject to the requirements of this section shall provide evidence in the form of oil and grease interceptor tank construction drawings, plumbing drawings, and projected oil and grease laden flows to the control authority that all provisions of this section will be met prior to issuance by the control authority of a permit to connect any drain lines from the establishment to the POTW. All existing establishments subject to the requirements of this section shall construct any necessary plumbing modifications and install oil and grease interceptor tanks in strict compliance with all provisions of this section or, at the discretion of the control authority, provide a report prepared by an engineer registered by the state describing what existing conditions prevent strict compliance with all provisions of this section and recommendations for plumbing modifications and/or installation of oil and grease interceptor tanks that will provide compliance with the intentions of this section all in a form acceptable to the control authority. All existing establishments subject to the requirements of this section shall construct all plumbing modifications and/or install oil and grease interceptor tanks in strict compliance with the requirements of this section or as approved by the manager within 180 days following the adoption of this chapter.

(b) Waste lines connected to oil and grease interceptor tanks. The drain lines from the pre-rinse sink, pot sink and floor drains shall be connected to the oil and grease interceptor tank. Drain lines from dishwashers and garbage grinders may be connected to the oil and grease interceptor tank, provided that the oil and grease interceptor tank is sized for use in conjunction with the discharge from dishwashers and/or garbage grinders. The building sewer draining the oil and grease interceptor tank may be separate from the building sewer draining waste lines from sources prohibited from connection to the oil and grease interceptor tank.

(c) Waste lines prohibited from connection to oil and grease interceptor tanks. Sanitary drains from bathrooms, utility sinks, water closets, showers, lavatories, urinals, and floor drains in spaces other than commercial kitchens in new establishments subject to the requirements

of section (17) of this section shall not be connected to oil and grease interceptor tanks. Any drain line transporting stormwater shall not be connected to oil and grease interceptor tanks.

(d) Oil and grease interceptor tank design criteria. Oil and grease interceptor tanks shall have a 1000-gallon minimum volume and a minimum of two compartments separated by a baffle. Standard 1000-gallon precast concrete septic tanks are acceptable as oil and grease interceptor tanks. Precast concrete septic tanks used as oil and grease interceptor tanks or field-constructed oil and grease interceptor tanks shall be designed in accordance with Rules of the Department of Environment and Conservation. Chapter 1200-1-6, "Regulations to Govern Subsurface Sewage Disposal Systems."

All existing establishments with commercial kitchens shall install a 1000-gallon oil and grease interceptor tank unless a waiver is granted by the control authority.

All new establishments with commercial kitchens shall install oil and grease interceptor tanks in accordance with the following requirements. New restaurants utilizing disposal tableware as their sole type of tableware shall install a 1000-gallon oil and grease interceptor tank. All other new establishments with commercial kitchens shall install oil and grease interceptor tanks with volume calculated utilizing the following formula:

$$V = N \times G \times S \times H \times LF$$

Where:

V = Oil and grease interceptor tank total volume expressed in gallons.

N = Number of seats in dining area for restaurants.

= Number of meals served per day for hospital, nursing home and schools.

G = Wastewater produced per meal expressed in gallons.

= 5.0 for restaurants.

= 4.5 for hospitals, nursing homes and schools.

S = Storage capacity factor (dimensionless) = 1.7

H = Number of hours per day open for business for restaurants 2.5 for hospitals, nursing homes and schools.

LF = Load factor

- = 1.25 if dishwasher and garbage grinder are connected to the oil and grease interceptor.
- = 1.00 if dishwasher but not garbage grinder is connected to the oil and grease interceptor.
- = 0.75 if the garbage grinder but not the dishwasher is connected to the oil and grease interceptor.
- = 0.50 if neither the dishwasher nor garbage grinder are connected to the oil and grease interceptor.

When the calculated volume for an oil and grease interceptor tank exceeds 1000 gallons, multiple 1000-gallon precast concrete septic tank units piped in series or a large field-constructed concrete tank with a baffle separating it into two compartments may be used. Oil and grease interceptor tanks shall be buried with access provided to all compartments for cleaning and inspection. Each compartment shall be fitted with a hatch sized and located to allow the visual determination of the thickness of the oil and grease layer in each compartment. Oil and grease interceptor tanks shall be placed in a location between the commercial kitchen and POTW sewer collector line that is easily accessible for inspection, cleaning and maintenance.

(e) Oil and grease discharge management. Oil and grease interceptor tanks shall be thoroughly cleaned when the layer of oil and grease on top of the liquid in the tank reaches a depth which allows coalesced oil and grease to escape from the tank. All oil and grease interceptor tanks shall be cleaned at intervals established by the control authority, but no less than once every three months. Users utilizing oil and grease interceptor tanks shall obtain written and dated certification from the company cleaning the tank that the tank was completely cleaned, and the user shall maintain these certifications on file for three years.

All waste oil and grease from frying operations shall be collected in appropriate containers and removed from the establishment by a rendering company or waste oil and grease recovery company. Pouring oil or liquefied grease down a drain in a commercial kitchen is prohibited. Installation of an automatic enzyme or bacterial additive feeding system prior to oil and grease interceptor tanks may be required by the control authority. (1983 Code, § 13-204, as replaced by Ord. #232, March 2002)



**18-205. Fees.** (1) Purpose. It is the purpose of this chapter to provide for the recovery of costs associated with operation, maintenance, administration, debt service and depreciation of the POTW from users of the system. The applicable charges or fees shall be set forth by the city's schedule of charges and fees.

(2) Charges and fees. The city may adopt charges and fees which may include:

(a) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW.

(b) Fees for monitoring, inspections and surveillance procedures associated with significant industrial users;

(c) Fees for reviewing accidental discharge procedures and construction plans and specifications for significant industrial users;

(d) Fees for permit applications;

(e) Fees for inspection of building sewer connections;

(f) Fees for filing appeals of enforcement actions taken by the city;

(g) Fees for treating conventional pollutants discharged to the POTW by users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;

(h) Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;

(i) Fees for disposal of septic tank and holding tank wastewater and sludges; and

(j) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.

(3) User charge system. The control authority will establish a schedule of charges and fees which will generate annual revenues sufficient to maintain compliance with the requirements of the Tennessee Code Annotated, § 66-221-1010, as amended, as it relates to publicly owned wastewater systems.

(4) Surcharge fees. If a user discharges in excess of the criteria to protect the POTW treatment plant influent set out for the conventional pollutants CBOD, TSS, NH<sub>3</sub>-N, and/or free oil and grease in § 18-204(5)(a) of this chapter, additional operation and maintenance costs may be incurred by the city. Therefore, any user who discharges in excess of the limits for any of these parameters may be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

Base Sewer Bill for Monthly Usage	x	Actual Monthly Average of <u>Parameter</u> <u>Concentration (mg/l)</u> 24-Hour Flow Proportional Composite Sample Criteria to Protect the POTW Treatment Plant Influent	-	Base Sewer Bill for Monthly Usage
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The city also reserves the right to, at any time, place mass or concentration limits which may not be exceeded on the user's discharge of conventional pollutants if the user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

As an alternate to this formula, the city may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants. (1983 Code, § 13-205, as replaced by Ord. #232, March 2002)

**18-206. Administration.** (1) Wastewater discharger permits. Reserved.  
(2) Residential, commercial and institutional wastewater discharge permits. Reserved.

(3) Industrial wastewater discharge permits. (a) General. All existing industrial users shall submit a completed wastewater survey for nonresidential establishments within 90 days after the effective date of this chapter. All new industrial users shall submit an application for wastewater discharge permit as described hereinafter prior to connection of their building sewer to the POTW. The control authority will determine from information supplied in this survey or application, and any other information requested, if the industrial user is a significant industrial user. If the industrial user is determined to be a significant industrial user, the significant industrial user shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW. If the industrial user is determined not to be a significant industrial user, the industrial user will not be required to obtain an industrial wastewater discharge permit.

(b) Certification. All applications, reports, etc., submitted by an industrial user must include the certification that is found at 40 CFR 403.6(a)(2)(ii) and must be signed by an authorized representative of the industrial user pursuant to requirements found at 40 CFR 403.12(1)

(c) Permit application. Industrial users shall complete and file with the control authority an application in the form prescribed by the city at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (i) Name, address, and location, (if different from the address);
- (ii) Classification under the North American Industrial Classification System (NAICS), 1997;
- (iii) Wastewater constituents and characteristics including, but not limited to, those listed in § 18-204(5)(a) of this chapter as determined by a reliable analytical laboratory with sampling and analysis performed in accordance with procedures established by the EPA pursuant to section 304 (g) of the Act and found at 40 CFR, Part 136, as amended.
- (iv) Time and duration of discharge;
- (v) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (vi) Site plans, floor plans, mechanical and plumbing plans and details to show all process drain lines and the building sewer, and appurtenances by the size, location and elevation;
- (vii) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local or state pretreatment standards, or categorical pretreatment standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards;
- (ix) If additional pretreatment and/or operation and maintenance will be required to meet the local or state pretreatment standards or categorical pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable local or state pretreatment standards or categorical pretreatment standard.

The following conditions shall apply to this schedule:

- (A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable local or state pretreatment standards or categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major

components, commencing construction, completing construction, etc.).

(B) No increment referred to in § 18-206(3)(c)(ix)(A) of this chapter shall exceed 9 months.

(C) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the control authority.

(x) Each product produced by type, amount, process or processes and rate of production;

(xi) Type and amount of raw materials processed (average and maximum per day);

(xii) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and

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

The control authority will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(d) Industrial wastewater discharge permit modifications. Within 9 months of the promulgation of a categorical pretreatment standard, the industrial wastewater discharge permit of significant industrial users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a significant industrial user, subject to a categorical pretreatment standard, has not previously submitted an application for an industrial wastewater discharge permit as required by § 18-206(3)(c) of this chapter, the significant industrial user shall apply for an industrial wastewater discharge permit within 180 days after the promulgation of the applicable categorical pretreatment standards. In addition, any user with an existing industrial wastewater discharge permit shall submit to the control authority within 180 days after the

promulgation of an applicable categorical pretreatment standard the information required by § 18-206(3)(c)(viii) and (ix) of this chapter.

(e) Industrial wastewater discharge permit conditions. Industrial wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, charges and fees established by the town.

Permits shall contain the following conditions:

(i) A statement of the duration of the permit, which shall not exceed five years;

(ii) A statement that the permit may not be transferred without, at a minimum, prior notification to the control authority and providing a copy of the existing industrial wastewater discharge permit to the succeeding owner;

(iii) Wastewater discharge limitations based on categorical pretreatment standards, discharge limitations listed in § 18-204(4)(b) of this chapter, and/or discharge prohibitions listed in § 18-204(4) of this chapter;

(iv) Requirements for notification of the control authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

(v) Requirements for self-monitoring, sampling, reporting, notification and record keeping; including identification of the pollutants to be monitored in the wastewater discharge, the location for sampling the wastewater discharge, the frequency for sampling the wastewater discharge, and the type of samples to be collected for each pollutant to be monitored;

(vi) Requirement to immediately report any noncompliance to the control authority, and to immediately resample for parameters out of compliance in accordance with procedures described at 40 CFR Part 403.12(g); and/or

(vii) The applicable civil and criminal penalties for violation of provisions of the industrial wastewater discharge permit or this chapter; and

(viii) Any compliance schedule.

Permits may also contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;

(B) Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;;

(C) Requirements for installation and maintenance of inspection and sampling facilities;

(D) Requirements for notification of excessive discharges such as § 18-204(8) of this chapter.

(E) Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter.

(f) Industrial wastewater discharge permit duration. Industrial wastewater discharge permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than five years or may be stated to expire on a specific date. The significant industrial user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the significant industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements as identified in § 18-204 of this chapter are modified or other just cause exists. The significant industrial user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(g) Industrial wastewater discharge permit transfer. Industrial wastewater discharge permits are issued to a specific significant industrial user for a specific operation. An industrial wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new significant industrial user, different premises, or a new or changed operation without the approval of the control authority. Any succeeding owner or significant industrial user shall also comply with the terms and conditions of the existing industrial wastewater discharge permit.

(h) Reporting requirements for permittee. (i) Compliance date report. Within 90 days following the date for final compliance with applicable local or state pretreatment standards or categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any significant industrial user subject to local or state pretreatment standards or categorical pretreatment standards, shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by local or state pretreatment standards or categorical pretreatment standards, and the average and maximum daily flow for these process units in the significant industrial user's facility which are limited by such local or state pretreatment standards or categorical pretreatment standards. The report shall state whether the applicable local or state pretreatment standards or categorical pretreatment standard are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to

bring the significant industrial user into compliance with the applicable local or state pretreatment standards or categorical pretreatment standards. This statement shall be signed by an authorized representative of the significant industrial user, and certified to by a qualified professional engineer.

(ii) Periodic compliance reports. (A) Any significant industrial user subject to a local or state pretreatment standard or categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority by the last day of the months of March and September, unless required more frequently by the local or state pretreatment standard or categorical pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such local or state pretreatment standards or categorical pretreatment standards. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted. In addition, this report shall include a record of average and maximum daily wastewater discharge flows if the measurement of wastewater discharge flow is not based upon water meter readings. The flow on the date of the sampling shall also be reported. All parameters listed on the industrial wastewater discharge permit as having a wastewater discharge limitation must be sampled and analyzed. All reports submitted by the significant industrial user must include the certification described at 40 CFR 403.6(a)(2)(ii) and must bear the signature of an authorized representative of the significant industrial user pursuant to requirements found at 40 CFR 403.12(1). All analyses must be performed by a certified laboratory. A chain of custody form must be submitted with all reports.

(B) The control authority may impose mass limitations on significant industrial users which are using unauthorized dilution to meet applicable local or state pretreatment standards or categorical pretreatment standards, or in other cases where the imposition of mass limitations is appropriate. In such cases the report described in § 18-206(3)(h)(ii)(A) of this chapter shall indicate the mass of pollutants regulated by pretreatment

standards in the effluent of the significant industrial user. These reports shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable local or state pretreatment standard or categorical pretreatment standard.

(C) All analyses shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and described at 40 CFR, Part 136 and amendments thereto. Sampling shall be performed in accordance with the requirements found at 40 CFR Part 403.12(b)(5) and techniques approved by the control authority.

(i) Monitoring facilities. The control authority may require to be provided and operated at the significant industrial user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. Monitoring facility should normally be situated on the significant industrial user's premises, but the control authority may, when such a location would be impractical or cause undue hardship on the significant industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the significant industrial user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the control authority's requirements and all applicable local construction standards and specifications. Where required by the control authority, construction of monitoring facilities shall be completed within 90 days following written notification by the control authority.

(j) Inspection and sampling. Industrial users shall allow the control authority ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The control authority, approval authority and EPA shall have the right to set up on the industrial user's property, such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into their



premises, the industrial user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the control authority, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

The control authority shall inspect the facilities of any significant industrial user at least one time each year to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

(k) Pretreatment. Significant industrial users shall provide necessary pretreatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards within the time limitations as specified by the categorical pretreatment standards. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the significant industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the control authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the significant industrial user from the responsibility of modifying the facility as necessary to produce an effluent as required under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the control authority prior to the significant industrial user's initiation of the changes.

(l) Confidential information. Information and data relating to an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the control authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

When requested by an industrial user furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and/or the state pretreatment program; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the industrial user furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information which is accepted by the control authority as confidential and determined by EPA as non-confidential pursuant to the determination process described in 40 CFR Part 2 shall not be transmitted to the general public by the control authority until and unless a ten-day notification is given to the industrial user. (1983 Code, § 13-206, as replaced by Ord. #232, March 2002)

**18-207. Enforcement.** (1) Administrative enforcement remedies.

(a) Notification of violation. Whenever the control authority finds that any user has violated or is violating this chapter, an industrial wastewater discharge permit or order issued hereunder, the control authority may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the control authority. 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.

(b) Consent orders. The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to § 18-207(1)(d).

(c) Show cause hearing. The control authority may order any user which causes or contributes to violation of this chapter, industrial wastewater discharge permit, or order issued hereunder, to show cause before the city's mayor and board of aldermen why a proposed enforcement action should not be taken. Hearings shall be conducted in accordance with the provisions of Tennessee Code Annotated, § 69-3-124, as amended. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the control authority finds that a user has violated or continues to violate this chapter, an industrial wastewater discharge permit or order issued hereunder, the city may issue an order to the user responsible for the discharge directing that,

following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices. A compliance order may also contain a fine for noncompliance with the ordinance or an industrial wastewater discharge permit.

(e) Cease and desist orders. When the city finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith; and/or
- (ii) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) Civil penalties. Notwithstanding any other section of this chapter, any user who is found to have violated any provisions of this chapter, or permits and orders issued hereunder, shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the city shall utilize such other collection remedies as available to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property. Users desiring to dispute the assessment of such penalties must file a request for the city to reconsider the penalty within 10 days of being notified of the penalty. Where the city believes a request has merit, the control authority shall convene a hearing on the matter within 15 days of receiving the request from the user.

(g) Emergency suspensions. (i) The city may suspend the wastewater treatment service and/or industrial wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(ii) Any user notified of a suspension of the wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection,

to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city shall allow the user to recommence its discharge when the endangerment has passed unless the termination proceedings set forth in § 18-207(1)(h) of this chapter are initiated against the user.

(iii) A user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW prior to the date of the hearing described in § 18-207(1)(c) of this chapter.

(h) Termination of industrial wastewater discharge permit. Significant industrial users proposing to discharge into the POTW, must first obtain an industrial wastewater discharge permit from the city. Any significant industrial user who violates the following conditions of this chapter or an industrial wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

- (i) Violation of permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (iv) Refusal of reasonable access to the significant industrial user's premises for the purpose of inspection, monitoring or sampling.

Noncompliant significant industrial users will be notified of the proposed termination of their industrial wastewater discharge permit and be offered an opportunity to show cause under § 18-207(1)(c) of this chapter why the proposed action should not be taken.

(2) Judicial remedies. If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or industrial wastewater discharge permit issued hereunder, the city through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Gibson County.

(a) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or an industrial discharge permit or an order issued hereunder, the city, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The city shall have such remedies to collect these fees as it has to collect other sewer service charges.

(b) Civil penalties. (i) Any user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the city for a civil penalty of up to \$10,000.00,

plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(ii) The city shall petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, the economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(c) Criminal prosecution. Pursuant to Tennessee Code Annotated, § 69-3-115(4)(c), as amended, violators will be prosecuted for a Class E Felony and punished by a fine of not more than \$25,000.00 or incarceration, or both, as provided therein.

(3) Annual publication of significant violations. The city shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those significant industrial users which are found to be in significant noncompliance, as defined in § 18-202(37) of this chapter, with any provisions of this chapter or industrial wastewater discharge permit or order issued hereunder during the period since the previous publication.

(4) Affirmative upsets. (a) Treatment upsets. (i) An "upset" is defined for the purposes of this chapter as an exceptional incident in which there is unintentional and temporary noncompliance with the provisions of this chapter or an industrial wastewater discharge permit because of factors beyond the reasonable control of the user. Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the control within 24 hours after becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:

(A) A description of the upset, its cause(s), and impact on the discharger's compliance status.

(B) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.

(C) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

(ii) A user which complies with the notification provisions of this section of the chapter in a timely manner shall have an affirmative defense to any enforcement action brought by the city for any noncompliance with this chapter, or an order or permit issued hereunder, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment bypasses. A "bypass" is defined for the purposes of this chapter as the intentional diversion of wastewaters from the pretreatment facilities of a significant industrial user.

(i) A bypass of the significant industrial user's pretreatment system is prohibited unless all of the following conditions are met:

(A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There was no feasible alternative to the bypass, including the use of auxiliary pretreatment or retention of the wastewater; and

(C) The user properly notified the control authority, as required under § 18-207(4)(b)(ii) of this chapter.

(ii) Significant industrial users must provide immediate notice to the control authority upon discovery of an unanticipated bypass. If necessary, the control authority may require the user to submit a written report explaining the cause(s), nature and duration of the bypass, and the steps being taken to prevent its recurrence.

(iii) A significant industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the pretreatment system. Significant industrial users anticipating a bypass must submit notice to the control authority at least 10 days in advance. The control authority may only approve the anticipated bypass if the circumstances satisfy those set forth in § 18-207(4)(b)(i) of this chapter. (1983 Code, § 13-207, as replaced by Ord. #232, March 2002)

**18-208--18-210.** These sections were deleted by Ord. #232, March 2002.

## CHAPTER 3

### SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>1</sup>

#### SECTION

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. Discharge into watercourses restricted.
- 18-312. Pollution of ground water prohibited.
- 18-313. Enforcement of chapter.
- 18-314. Carnivals, circuses, etc.
- 18-315. Violations.

**18-301. Definitions.** The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(3) "Human excreta." The bowel and kidney discharges of human beings.

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks

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<sup>1</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1983 Code, § 8-301)

**18-302. Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1983 Code, § 8-302)

**18-303. When a connection to the public sewer is required.** Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1983 Code, § 8-303)

**18-304. When a septic tank shall be used.** Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1983 Code, § 8-304)



**18-305. Registration and records of septic tank cleaners, etc.**

Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1983 Code, § 8-305)

**18-306. Use of pit privy or other method of disposal.**

Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1983 Code, § 8-306)

**18-307. Approval and permit required for septic tanks, privies, etc.**

Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1983 Code, § 8-307)

**18-308. Owner to provide disposal facilities.**

It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-302, or the agent of the owner to provide such facilities. (1983 Code, § 8-308)

**18-309. Occupant to maintain disposal facilities.**

It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1983 Code, § 8-309)

**18-310. Only specified methods of disposal to be used.**

No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1983 Code, § 8-310)

**18-311. Discharge into watercourses restricted.**

No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1983 Code, § 8-311)

**18-312. Pollution of ground water prohibited.**

No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1983 Code, § 8-312)

**18-313. Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1983 Code, § 8-313)

**18-314. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1983 Code, § 8-314)

**18-315. Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1983 Code, § 8-315)

**CHAPTER 4****CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**<sup>1</sup>**SECTION**

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

**18-401. 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 Health.

(2) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1983 Code, § 8-401)

**18-402. Standards.** The city public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1983 Code, § 8-402)

**18-403. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of waterworks of the city. (1983 Code, § 8-403)

**18-404. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1983 Code, § 8-404)

**18-405. Inspections required.** It shall be the duty of the superintendent of the waterworks to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent of waterworks and as approved by the Tennessee Department of Health. (1983 Code, § 8-405)

**18-406. Right of entry for inspections.** The superintendent of waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access,

when requested, shall be deemed evidence of the presence of cross connections. (1983 Code, § 8-406)

**18-407. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of waterworks.

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

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1983 Code, § 8-407)

**18-408. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(1) Impractical to provide an effective air-gap separation.  
(2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water supply, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the waterworks of the city or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the

superintendent of the waterworks prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the city public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the waterworks or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent of the waterworks shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The superintendent shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of the waterworks.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent of the waterworks. (1983 Code, § 8-408)

**18-409. Unpotable water to be labeled.** In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1983 Code, § 8-409)

**18-410. Violations.** The requirements contained herein shall apply to all premises served by the municipal water system whether located inside or

outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. (1983 Code, § 8-410)

**TITLE 19****ELECTRICITY AND GAS****CHAPTER**

1. ELECTRICITY.
2. GAS.

**CHAPTER 1****ELECTRICITY<sup>1</sup>****SECTION**

- 19-101. Application for service.
- 19-102. Deposit.
- 19-103. Point of delivery
- 19-104. Customer's wiring--standards.
- 19-105. Inspections.
- 19-106. Underground service lines.
- 19-107. Customer's responsibility for city's property.
- 19-108. Right of access.
- 19-109. Billing.
- 19-110. Discontinuance of service by city.
- 19-111. Connection, reconnection, and disconnection charges.
- 19-112. Termination of contract by customer.
- 19-113. Service charges for temporary service.
- 19-114. Interruption of service.
- 19-115. Shortage of electricity.
- 19-116. Voltage fluctuations caused by customer.
- 19-117. Additional load.
- 19-118. Standby and resale service.
- 19-119. Notice of trouble.
- 19-120. Non-standard service.
- 19-121. Meter tests.
- 19-122. Relocation of outdoor lighting facilities.
- 19-123. Billing adjusted to standard periods.
- 19-124. Scope.
- 19-125. Revisions.
- 19-126. Conflict.
- 19-127. Rates.

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<sup>1</sup>Municipal code reference  
Electrical code: title 12.



**19-101. Application for service.** Each prospective customer desiring electric service may be required to sign the light and water department's standard form of application for service or contract before service is supplied by the city. The application of each prospective customer who is required to purchase a building permit shall not be approved until the proper building permit has been obtained. (1983 Code, § 13-301)

**19-102. Deposit.** A deposit or suitable guarantee approximately equal to twice the average monthly bill may be required of any customer before electric service is supplied. The city may at its option return the deposit to the customer after one year. Upon termination of service, the deposit may be applied by the city against unpaid bills of the customer, and if any balance remains after such application is made, said balance shall be refunded to the customer. (1983 Code, § 13-302)

**19-103. Point of delivery.** The point of delivery is the point, as designated by the city, on customer's premises where current is to be delivered to the building or premises. All wiring and equipment beyond this point of delivery shall be provided and maintained by the customer at no expense to the city. (1983 Code, § 13-303)

**19-104. Customer's wiring--standards.** All wiring of the customer must conform to the city's requirements and accepted modern standards, as exemplified by the requirements of the National Electrical Safety Code and the National Electrical Code. (1983 Code, § 13-304)

**19-105. Inspections.** The city shall have the right, but shall not be obligated, to inspect any installation before electricity is introduced or at any later time, and reserves the right to reject any wiring or appliances not in accordance with the city's standards; but such inspection or failure to inspect or reject shall not render the city liable or responsible for any loss or damage resulting from defects in the installation, wiring, or appliances, or from a violation of the city's rules, or from accidents which may occur upon the customer's premises. (1983 Code, § 13-305)

**19-106. Underground service lines.** (1) Customers desiring underground service lines from the city's overhead system must bear the excess cost incident thereto. Specifications and terms for such construction will be furnished by the city on request.

(2) Underground electric facilities shall be provided at no cost to subdivision developers of all-electric subdivisions. (1983 Code, § 13-306, as amended by Ord. #201, Aug. 1998)

**19-107. Customer's responsibility for city's property.** All meters, service connections, and other equipment furnished by the city shall be, and remain, the property of the city. The customer shall provide a space for and exercise proper care to protect the property of the city on his premises, and, in the event of loss or damage to the city's property arising from the neglect of the customer to care for same, the cost of the necessary repairs or replacements shall be paid by the customer. (1983 Code, § 13-307)

**19-108. Right of access.** (1) The light and water department's identified employees shall have access to the customer's premises at all reasonable times for the purpose of reading meters and testing, repairing, removing, or exchanging any or all equipment belonging to the city.

(2) The light and water department's identified employees shall also have access to the customer's premises at all reasonable times for the purpose of inspecting, performing maintenance, or trimming trees.

The department's right of access shall extend not less than ten (10) feet either side of the center of the power line. No permanent or other structures may be located so as to restrict the access provided herein.

The department shall have the right to trim any tree limbs which encroach upon the access provided herein, as well as the right to remove any tree partially or wholly located within the access which the department deems to be a potential threat to the continuous operation of the line. However, the department shall have no obligation to trim or remove trees which pose no threat to the lines or the removal of which is deemed prohibitively costly. (1983 Code, § 13-308, as amended by Ord. #200, May 1998)

**19-109. Billing.** Bills will be rendered monthly and shall be paid at the office of the light and water department or at other locations designated by the city. Failure to receive a bill will not release the customer from payment obligation. Should bills not be paid as above, the light and water department may at any time thereafter, upon five (5) days' written notice to the customer, discontinue service. Bills paid after the due date specified on the bill may be subject to additional charges. Should the due date of bill fall on Sunday or holiday, the business day next following the due date will be held as a day of grace for delivery of payment. Remittances received by mail after the due date will not be subject to such additional charges if the incoming envelope bears United States Postal Service date stamp of the due date or any date prior thereto. (1983 Code, § 13-309)

**19-110. Discontinuance of service by city.** The light and water department may refuse to connect or may discontinue service for the violation of any of its rules and regulations, or for violation of any of the provisions of the schedule of rates and charges, or of the application of the customer or contract with the customer. The light and water department may discontinue service to

a customer for the theft of current or the appearance of current theft devices on the premises of the customer. The discontinuance of service by the light and water department for any cause as stated in this rule does not release the customer from his obligation to the city for the payment of minimum bills as specified in the application of the customer or the contract with the customer. (1983 Code, § 13-310)

**19-111. Connection, reconnection, and disconnection charges.** The city may establish and collect standard charges to cover the reasonable average cost, including administration, of connecting or reconnecting service, or disconnecting service as provided above. Higher charges may be established and collected when connections and reconnections are performed after normal office hours, or when special circumstances warrant. (1983 Code, § 13-311)

**19-112. Termination of contract by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) day's written notice to that effect, unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under any contract or rate. (1983 Code, § 13-312)

**19-113. Service charges for temporary service.** Customers requiring electric service on a temporary basis may be required by the light department to pay all costs for connection and disconnection incidental to the supplying and removing of service. This rule applies to circuses, carnivals, fairs, temporary constructions and shall be limited to 12 (twelve) months for new construction and 6 (six) months for remodel jobs without prior approval of the utility board. (1983 Code, § 13-313)

**19-114. Interruption of service.** The light and water department will use reasonable diligence in supplying current, but shall not be liable for breach of contract in the event of, or for loss, injury or damage to persons or property resulting from, interruptions in service, excessive or inadequate voltage, single-phasing, or otherwise unsatisfactory service, whether or not caused by negligence. (1983 Code, § 13-314)

**19-115. Shortage of electricity.** In the event of an emergency or other condition causing a shortage in the amount of electricity for the light and water department to meet the demand on its system, the city may, by an allocation method deemed equitable by the city, fix the amount of electricity to be made available for use by a customer and/or may otherwise restrict the time during which the customer may make use of electricity and the uses which the customer may make of electricity. If such actions become necessary, the customer may request a variance because of unusual circumstances including

matters adversely affecting the public health, safety and welfare. If a customer fails to comply with such allocation or restriction, the light and water department may take such remedial actions as it deems appropriate under the circumstances including temporarily disconnecting electric service and charging additional amounts because of the excess use of electricity. The provisions of the section entitled "Interruption of Service" of this schedule of rules and regulations are applicable to any such allocation or restriction. (1983 Code, § 13-315)

**19-116. Voltage fluctuations caused by customer.** Electric service must not be used in such a manner as to cause unusual fluctuations or disturbances to the light and water department's system. The department may require a customer, at his own expense, to install suitable apparatus which will reasonably limit such fluctuations. (1983 Code, § 13-316)

**19-117. Additional load.** The service connection, transformers, meters, and equipment supplied by the light and water department for each customer have a definite capacity, and no addition to the equipment or load connected thereto will be allowed except by consent of the department. Failure to give notice of additions or changes in load, and to obtain the department's consent for same, shall render the customer liable for any damage to any of the city's lines or equipment caused by the additional or changed installation. (1983 Code, § 13-317)

**19-118. Standby and resale service.** All purchased electric service (other than emergency or standby service) used on the premises of a customer shall be supplied exclusively by the light and water department, and the customer shall not, directly or indirectly, sell, sublet, assign, or otherwise dispose of the electric service or any part thereof. (1983 Code, § 13-318)

**19-119. Notice of trouble.** The customer shall notify the light and water department immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of electricity. Such notices, if verbal, should be confirmed in writing. (1983 Code, § 13-319)

**19-120. Non-standard service.** The customer shall pay the cost of any special installation necessary to meet his peculiar requirements for service at other than standard voltages, or for the supply of closer voltage regulation than required by standard practice. (1983 Code, § 13-320)

**19-121. Meter tests.** The light and water department will, at its own expense, make periodical tests and inspections of its meters in order to maintain a high standard of accuracy. The department will make additional tests or

inspections of its meters at the request of the customer. If tests made at the customer's request show that the meter is accurate within two percent (2%), slow or fast, no adjustment will be made in the customer's bill, and the city's standard testing charge will be paid by the customer. In case the test shows the meter to be in excess of two percent (2%), fast or slow, an adjustment shall be made in the customer's bill over a period of not over thirty (30) days prior to the date of such test, and the cost of making the test shall be borne by the city. (1983 Code, § 13-321)

**19-122. Relocation of outdoor lighting facilities.** The light and water department shall, at the request of the customer, relocate or change existing city-owned equipment. The customer shall reimburse the city for such changes at actual cost including appropriate overheads. (1983 Code, § 13-322)

**19-123. Billing adjusted to standard periods.** The demand charges and the blocks in the energy charges set forth in the rate schedules are based on billing periods of approximately one month. In the case of the first billing of new accounts (temporary service, cotton gins, and other seasonal customers excepted) and final billings of all accounts (temporary service excepted) where the period covered by the billing involved fractions of a month, the demand charges and the blocks of the energy charge will be adjusted to a basis proportionate with the period of time during which service is extended. (1983 Code, § 13-323)

**19-124. Scope.** This schedule of rules and regulations is a part of all contracts for receiving electric service from the light and water department and applies to all service received from the city, whether the service is based upon contract, agreement, signed application, or otherwise. A copy of this schedule, together with a copy of the city's schedule of rates and charges, shall be kept open to inspection at the offices of the light and water department. (1983 Code, § 13-324)

**19-125. Revisions.** These rules and regulations may be revised, amended, supplemented, or otherwise changed from time to time, without notice. Such changes, when effective, shall have the same force as the present rules and regulations. (1983 Code, § 13-325)

**19-126. Conflict.** In case of a conflict between any provision of any rate schedule and the schedule of rules and regulations, the rate schedule shall apply. (1983 Code, § 13-326)

**19-127. Rates.** The city shall make and collect charges for electrical service in accordance with such rate schedules as the city council shall from time to time prescribe. (1983 Code, § 13-327)

**CHAPTER 2****GAS**<sup>1</sup>**SECTION**

19-201. To be furnished under franchise.

**19-201. To be furnished under franchise.** Gas service shall be furnished for the municipality and its inhabitants under such franchise as the city council shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.<sup>2</sup>

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<sup>1</sup>Municipal code reference  
Gas code: title 12.

<sup>2</sup>The agreements are of record in the office of the city recorder.

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. SCHOOLS.
2. CIVIL DEFENSE ORGANIZATION.
3. CITY CEMETERY.

**CHAPTER 1**

**SCHOOLS**

**SECTION**

20-101. Control of school property.

**20-101. Control of school property.** All of the public school property situated within the corporate limits of the City of Trenton, Tennessee, or owned by the City of Trenton, Tennessee, shall be under the authority, management and control of the Trenton Special School District<sup>1</sup> subject to the following conditions:

(1) Said property shall be used exclusively for school activities and functions and shall not be used by any other persons or agencies without approval of the City Council of the City of Trenton, Tennessee.

(2) At such time as any building ceases to be used as a public school building by the Trenton Special School District, then the management and control of said property shall revert to the City Council of the City of Trenton, Tennessee. (1983 Code, § 1-1001)

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<sup>1</sup>The Trenton Special School District was created by Priv. Acts 1975, ch. 144.

## CHAPTER 2

### CIVIL DEFENSE ORGANIZATION

#### SECTION

- 20-201. Created.
- 20-202. Authority and responsibilities.
- 20-203. Office of director, authority and responsibility.
- 20-204. Civil defense corps created.
- 20-205. Municipal or private liability.
- 20-206. Expenses of civil defense.

**20-201. Created.** There is hereby created the Gibson County Civil Defense Organization, which shall be a joint operation by the City of Trenton and the County of Gibson for the purpose of organizing and directing civil defense for the citizens of the entire county. All other civil defense agencies within the corporate limits of Gibson County shall be considered as a total part of the countywide civil defense emergency resources and when such agencies operate out of their corporate limits it shall be at the direction of, subordinate to, and a part of the Gibson County Civil Defense. (1983 Code, § 1-1101)

**20-202. Authority and responsibilities.** (1) Authority. In accordance with federal and state enactments of law, the Gibson County Civil Defense Organization is hereby authorized to assist the regular government of the county and governments of all political subdivisions therein, as may be necessary due to enemy caused emergency or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, drought or peacetime man-made disasters, which might occur affecting the lives, health, safety, welfare and property of the citizens of Gibson County. The Gibson County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Gibson County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

(2) Responsibilities. The Gibson County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Gibson County, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1983 Code, § 1-1102)

**20-203. Office of director, authority and responsibility.**

(1) Primary authority. (a) The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor and county judge or either or by higher authority as appropriate.



(b) The director shall have overall responsibility for the preparation of all plans, recruitment and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state civil defense office.

(c) The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the chief executive officers of the city and county.

(2) Responsibility of the director. The director shall be responsible to the chief executive officers of the city and county for the preparation of all plans and administrative regulations and for recruitment and training of personnel. (1983 Code, § 1-1103)

**20-204. Civil defense corps created.** The Gibson County Civil Defense Corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1983 Code, § 1-1104)

**20-205. Municipal or private liability.** The exercise of duties prescribed in this document is an exercise by the city and county of its governmental functions for the protection of the public peace, health and safety and neither the City of Trenton nor Gibson County, the agents and representatives of said city and county nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this document shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending or practice attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person. (1983 Code, § 1-1105)

**20-206. Expenses of civil defense.** No person shall have the right to expend any public funds of the city or county in carrying out any civil defense activities authorized by this document without prior approval by the governing bodies of the city or county or both; nor shall any person have any right to bind the city or county by contract, agreement or otherwise without prior and specific approval by the governing body of the city and/or county or both. The civil defense director shall disburse such monies as may be provided annually by appropriation of the city and county for the operation of the civil defense

organization. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city and county. All funds shall be disbursed upon vouchers properly executed by the director of civil defense, subject to audit by either the City of Trenton or Gibson County. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions, and is further authorized to accept contributions to the civil defense organization, such funds becoming liable for audit by the city or county. (1983 Code, § 1-1106)

**CHAPTER 3****CITY CEMETERY<sup>1</sup>****SECTION**

- 20-301. Sale of cemetery plots.
- 20-302. Malicious mischief.
- 20-303. Snow sleds and certain motorized vehicles prohibited.
- 20-304. Loitering.
- 20-305. Access to cemetery.
- 20-306. Monuments required.
- 20-307. Graveside maintenance.
- 20-308. Pets prohibited.

**20-301. Sale of cemetery plots.** The city recorder shall sell any cemetery plot at the rate authorized by city council. No plot shall be sold without the corresponding charge for perpetual care. (1983 Code, § 12-301)

**20-302. Malicious mischief.** It shall be unlawful for any person to wilfully, maliciously or wantonly damage, deface, destroy, remove or tamper with any monument or grave marker or the maintenance building, gate or fence within the Oakland Cemetery, or to remove flowers, wreathes, vases, etc., without specific approval from the family of the deceased. (1983 Code, § 12-303)

**20-303. Snow sleds and certain motorized vehicles prohibited.** Snow sleds, motorcycles, three-wheelers, four-wheelers, motor scooters, carts, and ATV's are prohibited within Oakland Cemetery. (1983 Code, § 12-304, as replaced by Ord. #227, Feb. 2001)

**20-304. Loitering.** It shall be unlawful to loiter, loaf or idle in, upon or about Oakland Cemetery. (1983 Code, § 12-305)

**20-305. Access to cemetery.** To protect the cemetery property and monuments and to deter vandalism, the cemetery gates will be closed from dusk until dawn each day, and no one will be permitted in the cemetery during those hours. (as added by Ord. #227, Feb. 2001)

**20-306. Monuments required.** All graves must be marked with a stone monument within one year of burial. (as added by Ord. #227, Feb. 2001)

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<sup>1</sup>Charter references: §§ 2,8, and 10B53.

**20-307. Graveside maintenance.** No permanent trees, flowers, bushes and the like may be planted at gravesites. No permanent items of ornamentation may be placed on gravesites except a headstone and/or footstone. No fences, walls, or the like may be erected around gravesites without prior approval from the city council. No breakable containers or novelty items may be placed on gravesites. (as added by Ord. #227, Feb. 2001, and replaced by Ord. #269, June 2011)

**20-308. Pets prohibited.** No pets shall be allowed in the cemetery. (as added by Ord. #227, Feb. 2001)

ORDINANCE NO. <sup>a</sup>212**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF TRENTON TENNESSEE.**

WHEREAS some of the ordinances of the City of Trenton are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the City Council of the City of Trenton, 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 "Trenton Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRENTON, 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 "Trenton 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 budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any

specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

**Section 4. Continuation of existing provisions.** Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."<sup>1</sup>

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

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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.

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 city council, 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.


ORD-4

**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 1<sup>st</sup> reading, January 11 20 00.

Passed 2<sup>nd</sup> reading, February 8 20 00.

  
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Mayor

  
\_\_\_\_\_  
Recorder