

**THE
WATERTOWN
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

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Change 2, June 23, 2005

CITY OF WATERTOWN, TENNESSEE

MAYOR

Michael Jennings

VICE MAYOR

Brandon Howard

ALDERMEN

Cecil Carter
Paulette Dorris
Tom Nix
Ken Rich
Robin Vance

RECORDER

April Lamberson

PREFACE

The Watertown Municipal Code contains the codification and revision of the ordinances of the City of Watertown, 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 Tracy Gardner, Administrative Services Assistant, and Linda Dean, Senior Word Processing Specialist, is gratefully acknowledged.

Steve Lobertini
Codification Consultant

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

SECTION 11

FORM OF ORDINANCE

Be it further enacted, That all ordinances shall begin by an enacting clause, as follows: "Be it enacted by the City Council of Watertown, Tennessee," and shall at the end of the bill or ordinance contain this provision, that, "This ordinance shall take effect from and after its passage, the welfare of the city requiring it." Otherwise the same shall not take effect until twenty days after its passage.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. RECORDER.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Proposed ordinances.

1-101. Time and place of regular meetings. The city council shall hold regular monthly meetings at 6:30 P.M. on the second Tuesday of each month at the community center. (1974 Code, § 1-101, modified)

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:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.

¹Charter references

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

Municipal code references

Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
Zoning: title 14.

²Charter references

Powers and authority: §§ 5 and 8.
Quorum: § 13.
Regular meetings: § 6.
Special meetings: § 6.

- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the city council and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1974 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. (1974 Code, § 1-103, modified)

1-104. Proposed ordinances. Any action proposed by the mayor or a member of the city councilman as an ordinance of the Watertown Municipal Code to become the law of the City of Watertown must be in writing and filed with the office of the city recorder on or before 12:00 P.M. on the day before the city council meeting at which it is to be considered on first reading. The office of the city recorder will distribute copies of the proposed ordinance to each councilman on the day before the date of the meeting at which the ordinance is to be considered on first reading. (as added by Ord. #03-___, Oct. 2003)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1974 Code, § 1-201)

1-202. Executes city's contracts². The mayor shall execute all contracts as authorized by the city council. (1974 Code, § 1-202)

¹Charter references

Duties and powers: § 7.

Oath: § 4.

Qualifications: § 28.

Term of office: § 4.

²Charter reference

Mayor to sign all documents: § 24.

CHAPTER 3**RECORDER¹****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the city council. (1974 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. (1974 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 municipality shall provide. (1974 Code, § 1-303)

¹Charter references

Duties: § 17.

Term of office: § 17.

To keep records: § 20.

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

2-101. Established.

2-102. Powers.

2-103. Authority.

2-101. Established. A Park Board for the City of Watertown is hereby established consisting of seven members to be appointed by the mayor. All members shall serve two year terms. (Ord. #10-230, Nov. 1985, as amended by Ord. #2001-___, June 2001)

2-102. Powers. The board shall oversee and manage the park property owned by the City of Watertown and any recreational program created by the city. (Ord. #10-230, Nov. 1985)

2-103. Authority. The board shall not have the authority to enter into any contract unless the approval of the city council is expressly given, nor to spend any money not expressly approved by the city council.

This board shall not have the authority to pledge the city credit. (Ord. #10-230, Nov. 1985)

TITLE 3

MUNICIPAL COURT

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. 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.¹ (1974 Code, § 1-501)

¹Charter reference
Duties and powers: §§ 17 - 19.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

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

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; and all other information that may be relevant. (1974 Code, § 1-502, modified)

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

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace¹ for similar work in state cases. (1974 Code, § 1-508)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the court in the form of fines, penalties, costs, and forfeitures shall be recorded by the court and paid over daily to the city. At the end of each month the court shall submit to the city council a report accounting for the collection or noncollection of all fines and costs imposed by the court during the current month. (1974 Code, § 1-511, modified)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1974 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to a trial and disposition of his case, provided the city court is in session or the city judge is reasonably

¹State law reference

Tennessee Code Annotated, § 8-21-401.

available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1974 Code, § 1-506, modified)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1974 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1974 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1974 Code, § 1-505)

¹State law reference

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

CHAPTER 4**BONDS AND APPEALS****SECTION**

3-401. Appeals.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1974 Code, § 1-509)

¹State law reference
Tennessee Code Annotated, § 27-5-101.

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

1. SOCIAL SECURITY--CITY PERSONNEL.
2. PERSONNEL POLICY.
3. MISCELLANEOUS REGULATIONS--CITY PERSONNEL.
4. INFECTIOUS DISEASE CONTROL POLICY.

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.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Watertown to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1974 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. (1974 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. (1974 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. (1974 Code, § 1-704)

4-105. Records and reports to be made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1974 Code, § 1-705)

CHAPTER 2

PERSONNEL POLICY

SECTION

- 4-201. Applicability of chapter.
- 4-202. Employee status.
- 4-203. Hiring procedures.
- 4-204. Benefits.
- 4-205. Grievance procedures.
- 4-206. State and federal personnel mandates.
- 4-207. Miscellaneous personnel policies.
- 4-208. Dismissal.
- 4-209. Personnel policy changes.

4-201. Applicability of chapter. (1) Purpose. The purpose of this chapter is to establish a system of personnel administration in the City of Watertown, Tennessee.

(2) At-will employer. The City of Watertown, Tennessee is an at-will employer. Nothing in this chapter may be construed as creating a property right or contract right to any job for any employee.

(3) Coverage. The following personnel are not covered by this policy, unless otherwise provided:

- (a) All elected officials.
- (b) Members of appointed boards and commissions.
- (c) Consultants, advisors, and legal counsel rendering temporary professional service.
- (d) The city attorney.
- (e) Independent contractors and/or contract employees.
- (f) Volunteer personnel.
- (g) The city judge.

All other employees of the municipal government are covered by this personnel policy. (Ord. #____, June 1998)

4-202. Employee status. (1) Full-time. Full-time employees are individuals employed by the municipal government who normally work 40 hours per week.

(2) Part-time. Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than 8 hours a day and may work fewer than 32 hours per week or who are temporary and/or seasonal employees. (Ord. #____, June 1998)

4-203. Hiring procedures. (1) Policy statement. The primary objective of this hiring policy is to insure compliance with the law and to obtain

qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations in all hiring procedures for all persons with disabilities.

(2) Application. All persons seeking appointment or employment with the municipality must complete a standard application form provided by the municipal government. Applications for employment shall be accepted in the city recorder's office during regular office hours only. Applications will remain on active status for six (6) months after accepted or until the job for which the application is submitted is filled, whichever period of time is less.

(3) Interviews. All appointments will be preceded by an interview with the mayor, or a person designated by the mayor.

(4) Pre-appointment exams. For certain positions, the employee may be required to undergo a validated physical agility examination related to the essential functions of the job, validated written and/or oral tests related to the essential functions of the job, drug testing, and, upon a conditional offer of employment, a medical examination to determine the employee's ability to perform the essential functions of the job. Reasonable accommodations shall be made in the physical agility exam for applicants with disabilities making a request for accommodations.

(5) Appointments, etc. All appointments shall be made in accordance with lawful provisions of the municipal charter of the City of Watertown, Tennessee. (Ord. #____, June 1998)

4-204. Benefits. (1) Holidays. Generally, full-time employees are allowed a day off with pay on the following holidays:

- (a) New Years Day.
- (b) Martin Luther King Day.
- (c) President's Day.
- (d) Good Friday.
- (e) Memorial Day.
- (f) Fourth of July.
- (g) Labor Day.
- (h) Columbus Day.
- (i) Veterans Day.
- (j) Thanksgiving Day.
- (k) Day after Thanksgiving.
- (l) Christmas Eve.
- (m) Christmas Day.
- (n) Employee's Birthday.

(i) Should the employee's birthday fall on a Saturday, then the employee shall observe the holiday on the Friday before. Should the employee's birthday fall on a Sunday, then the employee shall observe the holiday on the following Monday. Should the employee's birthday fall on any other regularly scheduled holiday, then the employee shall observe the birthday holiday on the next working day.

Employees must be in a pay status on the work day before and on the work day after the holiday, unless otherwise excused by the supervisor, to receive compensation for the holiday. Full time employees must have been employed by the city for more than 90 days from the date they became a full-time employee to receive compensation for the holiday.

Any employee required to work on a regular holiday shall be granted 8 hours off on an alternate day approved by the supervisor or an additional 8 hours pay for the holiday.

(2) Vacation leave. All full-time employees of the municipality shall accrue vacation leave monthly upon the completion of each calendar month of service. Vacation leave will begin to accrue as of the first full month of employment, but cannot be taken until the employee has completed 12 months of employment. As the number of years of service increases, the amount of leave granted increases and may accumulate to the maximum accrual as shown in the table below.

<u>Years of Service</u>	<u>Vacation Per Year</u>	<u>Maximum Accrual</u>
1 complete year	1 (one) week	1 (one) week
3 full years	2 (two) weeks	2 (two) weeks
7 full years	3 (three) weeks	3 (three) weeks
12 full years	4 (four) weeks	4 (four) weeks

Vacation leave exceeding the maximum accrual limit shall be forfeited.

Vacation leave shall be taken at a time approved by the employer's supervisor. Upon separation, employees are entitled to be reimbursed for any unused vacation leave, not to exceed the maximum accrual allowed for the years of service completed.

(3) Sick leave. All full-time employees shall accumulate 8 hours of sick leave with pay for each month of work completed for the municipality. Sick leave may be granted for any of the following reasons:

(a) Personal illness or physical incapacity resulting from causes beyond the employee's control.

(b) Exposure to contagious disease so that employee's presence at work might jeopardize the health of other employees.

(c) Medical, dental, optical or other professional treatments or examinations.

(d) Acute illness or death of a member of the employee's immediate family (i.e., spouse, parents, children).

Sick leave shall be taken in four (4) hour increments. An employee wishing to use sick leave shall contact the office of the city recorder on or before the day requested to advise of the request for sick leave. If a request for sick leave is made on a weekend or holiday, the employee shall advise his immediate supervisor on or before the date sick leave is requested and the supervisor shall advise the office of the city recorder on the next available business day. Failure to comply may result in the request for sick leave not being granted. Employees

shall not be paid for unused sick leave upon the employee's termination, resignation or retirement.

Sick leave shall be taken at the employee's regular rate of pay and under no circumstances will sick leave be paid at an "overtime" rate. (Ord. #____, June 1998, as amended by Ord. #98____, Nov. 1998; Ords. #2001-____, June 2001; and Ord. #2004-____, Dec. 2004)

4-205. Grievance procedures. (1) The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding concerning administrative orders involving only the employee's work area, reasonable accommodations under Americans with Disabilities Act, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

(2) Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction by written notice. Once this is done, the following steps are to be taken:

- Step 1. Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.
- Step 2. Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.
- Step 3. Discuss the problem with the mayor of the municipality. If not satisfied with the decision of the mayor, the grievance may be submitted to the next regular meeting of the board of mayor and aldermen. The decision of the board of mayor and aldermen is the last and final step in the process. The decision of the board of mayor and aldermen is final and binding to all parties involved. (Ord. #____, June 1998)

4-206. State and federal personnel mandates. (1) Discrimination prohibited. The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964-42 U.S.C. 2200c-2000c-15;

Equal Pay Act 1963 - 29 U.S.C. 206(d); Age Discrimination in Employment Act - 29 U.S.C. 621 et seq.; Americans With Disabilities Act - 42 U.S.C. 506 et seq.)

(2) Sexual harassment prohibited. Sexual harassment by any employee or elected or appointed official of the municipality will not be tolerated. Sexual harassment is unwanted sexual conduct, or conduct based upon sex, by an employee's supervisor(s) or fellow employees or others at the work place that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the city recorder or the mayor. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment.

The municipality will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. If the municipality determines that sexual harassment has occurred, corrective action will be taken. The municipality will attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for the determination.

(3) Occupational safety and health. The municipality shall provide job safety and health protection for all employees in accordance with the Occupational Safety and Health Administration (OSHA) Legislation (29 U.S.C. 656 et seq.) and the Tennessee OSHA Law (Tennessee Code Annotated, § 50-3-101 et seq.).

(4) Overtime compensation. The Fair Labor Standards Act (FLSA) shall govern the overtime compensation of municipal employees (29 C.F.R. 553.1 et seq.).

(5) Military leave/veteran's re-employment. All employees who are members of reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in "duty or training in the service of this state, or of the United States, under competent orders," and they must be given such leave with pay not exceeding 15 working days in any one calendar year (Tennessee Code Annotated, § 8-33-109). Also, any employee of the municipality who leaves his/her job voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veteran's Re-employment Rights (38 U.S.C. 202-2016) and the Tennessee Military Leave Act (Tennessee Code Annotated, § 8-33-101 et seq.).

(6) Family and medical leave. If the municipality has 50 or more employees on the payroll an eligible employee (one who has been employed at least 12 months and worked at least 1250 hours in the preceding 12 months) will be provided 12 calendar weeks of unpaid leave for medical conditions of the

employee of his/her family members in accordance with the Family and Medical Leave Act (P.L. 103-3).

(7) Commercial driver's license. All employees that drive:

(a) A vehicle with a gross weight of more than 26,000 pounds;

(b) A trailer with a gross weight of more than 10,000 pounds;

(c) A vehicle designed to transport more than 15 passengers, including the driver; and

(d) Any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with Tennessee Code Annotated, § 55-50-101 et seq. Fire truck, police vehicle, and emergency medical operators are exempt from the CDL requirements.

(8) Employee drug testing. All employees in safety-sensitive positions (such as gas employees, equipment/vehicle operators that require a commercial driver's license, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality. The municipality's procedures for drug testing can be found in Ordinance/Resolution number ____.

(9) Residence requirements. No person "currently employed" by the municipality can be dismissed or penalized "solely on the basis of non-residence" (Tennessee Code Annotated, § 8-50-107). The board of mayor and alderman may, by future resolution, require all future employees to live within a certain distance requirement. This requirement would be established, if at all, by a later ordinance or resolution.

(10) Employee right to contact elected officials. No employee shall be disciplined or discriminated against for communicating with an elected official. However, an employee may be reprimanded for making untrue allegations concerning any job-related matter (Tennessee Code Annotated, § 8-50-601--604). However, any grievance must be submitted as provided in § 4-205 of this chapter.

(11) Civil leave. Civil leave with pay shall be granted to employees for the following reasons:

(a) Jury duty (Tennessee Code Annotated, § 22-4-108).

(b) To answer a subpoena to testify for the municipality.

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

(13) Political activity. Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election (Tennessee Code Annotated, § 7-51-1501).

(14) Travel policy. All employees, including elected and appointed officials, shall be required to comply with any travel policy of the municipality established as required by Tennessee Code Annotated, § 6-54-901. (Ord. #____, June 1998)

4-207. Miscellaneous personnel policies. (1) Outside employment. No full-time employee of the municipality may accept any outside employment without written authorization from the mayor.

(2) Use of municipal time, vehicles, facilities, etc. No employee may use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other person, group, or organization other than the municipality. Decisions about aid to charitable, civic or other organizations will be made exclusively by the governing body.

(3) Accepting of gratuities. No employee shall accept any money, other considerations, or favors from anyone other than the municipality for performing an act that he/she would be required or expected to perform in the regular course of his/her duties. No employee shall accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be interpreted as an attempt to influence his/her actions with respect to the municipality's business. (Ord. #____, June 1998)

4-208. Dismissal. (1) At-will. Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.

(2) Name-clearing hearing. A name-clearing hearing will be given to any terminated, demoted, or suspended employee that requests one. This hearing will not be conducted to provide an employee any property rights. The purpose of the hearing is solely to let the employee clear his/her name. (Ord. #____, June 1998)

4-209. Policy changes. Nothing in this chapter may be construed as creating a property right or contract right to the job for any employee. The provisions of this personnel policy may be unilaterally changed by ordinance of the governing body from time to time as the need arises. (Ord. #____, June 1998)

CHAPTER 3

MISCELLANEOUS REGULATIONS--CITY PERSONNEL

SECTION

4-301. Business dealings.

4-302. Use of position.

4-303. Strikes and unions.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the City of Watertown. (1974 Code, § 1-901)

4-302. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the City of Watertown, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1974 Code, § 1-906)

4-303. Strikes and unions. No city officer or employee shall participate in any strike against the City of Watertown, 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. (1974 Code, § 1-907)

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

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

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

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

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

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;
- (3) Housekeeping and laundry workers;
- (4) Police and security personnel;
- (5) Firefighters;

- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #1992--, June 1992)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) While handling an individual where exposure is possible;
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one of the above;

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

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

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

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

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

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

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

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

All required tags shall meet the following criteria:

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

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

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

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

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

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #1992--, June 1992)

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

4-408. Reporting potential exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

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

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

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

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

4-409. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine

series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

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

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

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

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

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

4-411. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303. (Ord. #1992--, June 1992)

4-412. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials.

They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #1992--, June 1992)

4-413. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (Ord. #1992--, June 1992)

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

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

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

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for city funds.

5-101. Official depository for city funds. The Wilson Bank & Trust of Watertown, Tennessee, is hereby designated as the official depository for all funds of the City of Watertown. (1974 Code, § 6-101, modified)

¹Charter references

Ad valorem taxes: § 27.

Assessments levied: § 30.

Due date: § 27.

Tax levy: § 31.

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.¹ Taxes levied by the city against real property shall become due and payable annually on the first Monday of October of the year for which levied. (1974 Code, § 6-201)

5-202. When delinquent--penalty and interest.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable. To the amount of tax due and payable, a penalty of one-half of one percent (.5%) and interest of one percent (1%) shall be added on the first day of March, following the tax due date and on the first day of each succeeding month. (1974 Code, § 6-202, as amended by Ord. #10-229, June 1985)

¹State law references

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

²Charter and state law reference

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

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 act. (Ord. #_____, April 1979)

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 compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1974 Code, § 6-302)

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

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1**POLICE AND ARREST****SECTION**

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

6-101. Policemen subject to chief's¹ orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1974 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the City of Watertown. 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. (1974 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. (1974 Code, § 1-403)

¹Charter reference

Police chief's duties: § 22.

6-104. When policemen to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1974 Code, § 1-404)

6-105. Policemen may require assistance². 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. (1974 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested he shall be brought before a magistrate. (1974 Code, § 1-406, modified)

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. (1974 Code, § 1-407)

¹Municipal code reference

Traffic citations: title 15, chapter 6.

²State law reference

Tennessee Code Annotated, § 39-5-503.

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 used¹. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1974 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1974 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. (1974 Code, § 1-603)

¹Charter reference
Workhouse: § 8(30).

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be the corporate city limits. (1974 Code, § 7-101, modified)

CHAPTER 2

FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules, and regulations.
- 7-204. Records and reports.
- 7-205. Tenure and compensation of members.
- 7-206. Chief responsible for training and maintenance.
- 7-207. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council of the City of Watertown. 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 appointed by the city council and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1974 Code, § 7-301)

7-202. 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. (1974 Code, § 7-302)

7-203. 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. (1974 Code, § 7-303)

7-204. 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

¹Municipal 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. (1974 Code, § 7-304)

7-205. 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.

All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1974 Code, § 7-305)

7-206. 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. (1974 Code, § 7-306)

7-207. 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 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. (1974 Code, § 7-308)

CHAPTER 3

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-301. Equipment and personnel to be used only within corporate limits.

7-301. Equipment and personnel to be used only within corporate limits. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on city owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the city council. (1974 Code, § 7-307)

CHAPTER 4

FIREWORKS

SECTION

7-401. Fireworks, etc. prohibited.

7-401. Fireworks, etc. prohibited. (1) Except as allowed in section (2) it shall be unlawful for any person, firm or corporation to ignite or discharge any type of fireworks or pyrotechnics including but not limited to firecrackers, canon crackers, roman candles, torpedoes, or sparklers within the corporate limits of the City of Watertown.

(2) Fireworks may be ignited or discharged within the corporate limits of the City of Watertown from December 17th through the following January 7th and beginning July 1st through July 7th each year.

(3) It shall be unlawful for any person, firm or corporation to manufacture any type of fireworks or pyrotechnics within the corporate limits of the City of Watertown.

(4) It shall be unlawful for any person to ignite or discharge any type of fireworks or pyrotechnics from any type of motor vehicle, toward any type of motor vehicle, building, or person within the corporate limits of the City of Watertown or ignite or discharge any type of fireworks or pyrotechnics on the public square. (1974 Code, § 10-235, as amended by Ord. #10-235, June 1988, and Ord. #_____, Dec. 1998)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws², it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the City of Watertown. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers. (1974 Code, § 2-101)

¹Municipal code reference

Drinking beer, etc., on streets, etc.: title 11.

State law reference

Tennessee Code Annotated, title 57.

²State law reference

Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER

SECTION

- 8-201. Scope of chapter.
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- 8-203. Issuance of beer license authorized.
- 8-204. Applications for and issuance of permits; record of permits issued; investigation of applications.
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- 8-210. License fee forfeited upon revocation of permit.
- 8-211. Classes of permits; prohibitions against issuing permits for certain places or to certain applicants; bond required.
- 8-212. Beer permit to be posted.
- 8-213. Premises subject to inspection.
- 8-214. Unlawful to engage in beer business without paying license fee and obtaining a permit.
- 8-215. License and permit to be posted.
- 8-216. Brewers and wholesalers prohibited from having interest in retail business.
- 8-217. Regulation of beer sales.
- 8-218. Penalties.
- 8-219. Severability.

8-201. Scope of chapter. This chapter shall govern the storage, transportation, sale, distribution, possession, receipt and/or manufacture of beer of alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content in the City of Watertown. In this chapter beer shall mean and include beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than five percent (5%) by weight, except wine.

Nothing in the chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight, or more, and no ordinance related thereto is modified by this chapter. (as added by Ord. #03-___, Oct. 2003)

8-202. Beer board membership, organization, meeting and quorum. The beer board Watertown, Tennessee, shall consist of five (5)

members, appointed by the mayor and approved by the city council, who shall hold office at the pleasure of the mayor and city council for a term of three (3) years.

Members of the beer board shall select one of their number to act as chairman. It shall be the chairman's duty to preside at meetings of the beer board. The city recorder shall see that accurate and detailed records are kept of the board's proceedings.

The beer board shall hold meetings as necessary at such places and at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member and to the public. The board may adjourn a meeting at any time to another time and place.

At all meetings of the beer board, a majority shall constitute a quorum but the board shall act only by vote of a majority of all its members. The chairman may vote in all cases and an affirmative vote of three (3) members shall be required for any action. (as added by Ord. #03-___, Oct. 2003)

8-203. Issuance of beer license authorized. The city recorder shall issue a license for the transportation, storage, sale distribution, possession, receipt and/or manufacture of beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content, when the applicant therefore pays the license fee as prescribed in this chapter after a beer permit has been issued in accordance with the provisions of this chapter by the beer board. (as added by Ord. #03-___, Oct. 2003)

8-204. Applications for and issuance of permits; record of permits issued; investigation of applications. It shall be the duty of the City Recorder of Watertown, Tennessee, to receive all applications for beer permits and licenses in Watertown, Tennessee. It shall then be his/her and the beer board's duty to act in all matters regarding the same as this chapter provides.

All applications for permits shall be filed and preserved by the city recorder.

No permit shall be granted by the beer board except in strict conformity with the requirements and provisions of this chapter and of Tennessee Code Annotated, § 57-5-101 et seq.

It shall be the duty of the beer board, among other things, to require all applications for permits to be made in writing and properly verified, and no permit shall be issued until the permit fee prescribed in this chapter has been paid to the city, such payment to be evidenced by the production of a receipt of the city recorder stamped paid.

Each application shall set forth the following:

- (1) Full name of applicant;
- (2) Age of applicant;
- (3) Residence address of the applicant, if an individual;

- (4) The full name, age, and residence address of each partner if the applicant is a partnership;
- (5) If the applicant is a corporation:
 - (a) The names and addresses of the principal officers;
 - (b) Whether the corporation is organized under the laws of Tennessee or of some other and what state;
 - (c) Whether it is duly authorized to transact business in Tennessee; and
 - (d) The address of its principal office in this state;
- (6) Place where the business is to be conducted, giving street and number, or other apt and definite description;
- (7) The kind of permit desired, whether "manufacturer's" permit, "off-premises consumption" permit, or "on-premises consumption" permit;
- (8) Whether the applicant will conduct business in person, or acting as agent for any other person, firm, corporation;
- (9) Whether or not the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any felony or any crime involving moral turpitude within the past ten years;

Every application shall be dated and signed and shall be verified by affidavit sworn to before a notary public. The application shall be signed and verified by the applicant, if an individual, otherwise by a member of the firm, or an officer of the corporation.

Each permit shall show upon its face the correct name of the individual, corporation, partnership or limited liability company to whom issued; the date of issuance; the place of business by street and number; the character of the permit; the purpose for which granted; the date of expiration of the permit; the serial number of the permit; a statement that it is not transferable either as to the person to whom issued or the place where the business is to be conducted.

The city recorder shall keep a book in which shall be entered separate lists of each class or character of permits issued by the beer board. This record shall show the serial numbers of the permits of each class; the date of issue; the name of the individual, corporation, incorporated club, or incorporated lodge, to whom issued; the place of business by street and number; the character of the permit; the purpose for which granted; the date of expiration of the permit. In the case of a partnership, the record shall show the names of the partners and the firm name and style of the partnership.

This book shall be kept up to date by the city recorder and shall be a public record.

It shall be the duty of the beer board to make an investigation in the case of each written application, and to satisfy itself before granting a permit that the granting of the permit will be in strict conformity with the provisions and requirements of this chapter and with the provisions and requirements of

Tennessee Code Annotated, § 57-5-101 et seq. (as added by Ord. #03-____, Oct. 2003)

8-205. Issuance of "on-premises consumption" permits is prohibited. "On-premises consumption" permits are prohibited. (as added by Ord. #03-____, Oct. 2003)

8-206. Revocation and suspension of beer permits. Any permits or licenses issued under this chapter by the beer board may be revoked or suspended by the beer board.

Such revocation or suspension shall be made for any violation of any provision of this chapter or any state or federal statute or regulation regarding the sale, possession, or manufacturing of alcoholic beverages or whenever it shall satisfactorily appear that the premises of any person, firm or corporation holding a permit or license under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety and morals.

No permit or license shall be revoked on the grounds the operator or any person working for him sells beer to a minor over the age of eighteen (18) years of such minor exhibits as identification, false or otherwise, indicating his age to be twenty-one (21) or over, if his appearance as to maturity is such that he might reasonably be presumed to be of such age and is unknown to such person making the sale. The license or permit may be suspended for a period not to exceed ten (10) days. (as added by Ord. #03-____, Oct. 2003)

8-207. Revocation of permits for false statements in applications. The making of any false statement by an applicant for a permit in his application shall be sufficient ground, reason, and cause for the revocation of the permit issued to him by the beer board. (as added by Ord. #03-____, Oct. 2003)

8-208. Restrictions on issuance of permit to applicant who has had permit revoked. No holder of a permit whose permit has been revoked by the beer board for any false statement made in his application shall be eligible to be granted another permit within ten (10) years from such revocation.

The holder of a permit whose permit has been revoked by the beer board for some ground, cause, or reason other than the making of a false statement in his application, may be granted another permit by the beer board after the lapse of two (2) years from the revocation of the first permit. (as added by Ord. #03-____, Oct. 2003)

8-209. Restrictions on issuance of permit at same location after revocation. Where a permit or license is revoked, no new license or permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date the revocation becomes

final and effective, except the board, in its discretion, may determine that issuance of a license or permit before the expiration of one (1) year from the date of revocation becomes final is appropriate, if the individual applying for such permit is not the original holder of the license or any family member who could inherit from such individual under the statute of intestate succession. (as added by Ord. #03-___, Oct. 2003)

8-210. License fee forfeited upon revocation of permit. No claim shall be made for refund of any part of a license fee paid by the holder of permit issued by the beer board, nor shall any right to a refund of any part of such license fee accrue to such holder, upon the revocation of such permit by the beer board. (as added by Ord. #03-___, Oct. 2003)

8-211. Classes of permits; prohibitions against issuing permits for certain places or to certain applicants; bond required. (1) There shall be two (2) classes or kinds of permits issuable by the beer board as follows, to wit:

(a) A "manufacturer's" permit to a manufacturer of beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer, not to be consumed by the purchaser upon or near the premises of the manufacturer, may be issued by the beer board for any plant, building, and premises located within the corporate limits of Watertown, Tennessee, which may be lawfully devoted to a commercial or industrial use.

(b) An "off-premises consumption" permit to a wholesaler, dealer, or agent of a manufacturer, or to a person, partnership, or corporation conducting a lawful business and paying privilege taxes for the conduct of the lawful business, for the receipt, possession, storage, sale, distribution, and transportation of beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, not to be consumed by the purchaser upon or near the premises of the permittee.

(2) No temporary or special event permits shall be issued by the Watertown Beer Board.

(3) No permit of any kind shall be issued by the beer board to a person under twenty-one (21) years of age.

No permit of any kind shall be issued to any corporation, limited liability company or limited partnership unless the same is chartered and organized under the laws of the State of Tennessee or domesticated, and duly authorized to transact business in the State of Tennessee, conducting a lawful business, and paying the privileges taxes.

(4) No permit of any kind shall be issued by the beer board unless it shall be made to appear from the written and verified application of the

applicant that neither the applicant nor any person employed or to be employed by him in the distribution or sale of such beer or such other beverage is under the age of eighteen (18) or a person who has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten (10) years. (as added by Ord. #03-___, Oct. 2003)

8-212. Beer permit to be posted. The beer permit shall be conspicuously posted in the house, building, room, or place where the business authorized by the permit is conducted. No person shall engage in the manufacture or sale of beer within the city limits of Watertown, Tennessee, without obtaining a permit as herein provided. (as added by Ord. #03-___, Oct. 2003)

8-213. Premises subject to inspection. The place of business and premises of the holder of any permit issued by the beer board shall be open to inspection and investigation by any police officer of Watertown, Tennessee, at any time that such place is open for business. Any refusal by the holder of such permit or by his agents, servants, or employees to permit any police officer to enter upon, inspect, and investigate any house, building, room, or rooms wherein business authorized by any permit issued by the beer board is conducted, within the hours that such house, building, room or rooms are open for business, shall be grounds for suspension or revocation of the holder's beer permit. (as added by Ord. #03-___, Oct. 2003)

8-214. Unlawful to engage in beer business without paying license fee and obtaining permit. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for any person, partnership, corporation, association, incorporated club or incorporated lodge to manufacture, possess, store, receive, sell, distribute or transport any beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content, within the corporate limits of Watertown, Tennessee, without having first paid the license fee prescribed in this chapter and without first having obtained a permit issued by the beer board. (as added by Ord. #03-___, Oct. 2003)

8-215. License and permit to be posted. The privilege license issued by the city recorder, showing the payment of the license fee, and the permit issued by the beer board shall be conspicuously posted in the house, building, room or place where the business authorized by the permit is conducted. (as added by Ord. #03-___, Oct. 2003)

8-216. Brewers and wholesalers prohibited from having interest in retail business. It shall be unlawful and a misdemeanor, punishable under

the general penalty clause for this code, for any brewer or any wholesaler of any beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, or the agent or agents of any such brewer or wholesaler, to make any loan or furnish any fixtures of any kind to, or have any interest, direct or indirect, in the business of, or in the premises occupied by, any retailer holding a permit issued by the beer board. (as added by Ord. #03-___, Oct. 2003)

8-217. Regulation of beer sales. (1) No permittee or his agent or employee shall:

(a) Sell and/or serve or give to any minor in the place of business of such permittee, at any time, any beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content.

(b) Sell or permit the selling of beer to any person who is in an intoxicated condition.

(c) Permit or allow any agent, servant, employee, or other person engaged in the operation or management of any business place so selling beer to drink any intoxicating beverages, liquor, wine, ale, or beer while so engaged.

(2) Hours of sale. Permittees shall not sell beer between the hours of twelve o'clock midnight, (12:00 A.M.) and eight o'clock A.M. (8:00 A.M.) Monday through Saturday nor between the hours of twelve o'clock midnight (12:00 A.M.) and twelve o'clock noon (12:00 noon) on Sunday.

(3) Permittees not to employ minors or persons convicted of certain offenses. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for the holder of any kind of permit issued by the beer board or employ in the sale and distribution of any beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, any minor under the age of eighteen (18) or any person who has been convicted of any violation of laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten (10) years.

(4) Regulation of beer permits. Permits may only be issued on property located in areas zoned B-3 and SC. (as added by Ord. #03-___, Oct. 2003)

8-218. Penalties. (1) Any violation of this chapter shall:

(a) Be subject to prosecution in the Watertown City Court as Class C misdemeanor.

(b) Be grounds for denial, suspension or revocation of an application or beer permit.

(c) Be subject to prosecution under appropriate state or federal jurisdiction if state or federal laws are violated.

(2) Separate offense. Each day a violation continues shall constitute a separate offense.

(3) Revocation/suspension. Based upon the nature and the severity of any violation or non-compliance with the provisions set forth herein, and other applicable statutes and law, the Watertown City Beer Board shall after a full and fair hearing:

(a) Deny applicant's request for a beer permit.

(b) Suspend a permittee's license for a specified period of time not to exceed ninety (90) days.

(c) Revoke a permittee's license beer permit for a period not to exceed ten (10) years.

(4) Appeal. Any such action by the beer board shall be final and appealable only as provided by state law. No appeal from any action of the Watertown Beer Board shall lie to either the Watertown City Court or to the Watertown City Council. (as added by Ord. #03-___, Oct. 2003)

8-219. Severability. The provisions of this chapter are hereby declared to be severable. If any of its sections, provisions, exception, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this chapter shall remain in full force and effect, it being the intent now declared that this chapter would have been adopted even if such unconstitutional or void matter had not been included therein. (as added by Ord. #03-___, Oct. 2003)

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

1. MISCELLANEOUS.
2. SOLICITORS AND PEDDLERS
3. AGGRESSIVE SOLICITATION.
4. CHARITABLE SOLICITORS.
5. TAXICABS.
6. POOL ROOMS.
7. CABLE TELEVISION.
8. ADULT ORIENTED ESTABLISHMENTS.

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

9-101. "Going out of business" sales.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1974 Code, § 5-102)

¹Municipal code references

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

SOLICITORS AND PEDDLERS

SECTION

- 9-201. Definitions.
- 9-202. Permit requirements and exemptions.
- 9-203. Permit for sponsoring juvenile peddlers.
- 9-204. Permit application.
- 9-205. Fees.
- 9-206. Bond.
- 9-207. Denial of permit.
- 9-208. Permit expiration.
- 9-209. Identification badges.
- 9-210. Permit exhibition.
- 9-211. Transfer prohibited.
- 9-212. Entry upon signed premises unlawful.
- 9-213. Hours of solicitation.
- 9-214. Permit revocation.
- 9-215. Notice and hearing.
- 9-216. Appeals.
- 9-217. Claims of exemption.
- 9-218. Violations and penalty.

9-201. Definitions. The following words, terms, and phrases, and their derivations, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Charitable" means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported.

(2) "Chief" means the chief of police.

(3) "Contributions" mean and include the words alms, money, subscription, property or any donations under the guise of a loan or money or property.

(4) "Department" means the police department.

(5) "Peddler" means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this chapter.

(6) "Peddling" includes all activities ordinarily performed by a peddler as indicated under paragraph (3) of this section.

(7) "Person" means a natural person or any firm, corporation, association, club, society or other organization.

(8) "Solicitor" means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, for the purpose taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial purposes.

(9) "Solicitation" includes all activities ordinarily performed by a solicitor as indicated under paragraph (8) of this section. (Ord. #98-2, April 1998)

9-202. Permit requirements and exemptions. It shall be unlawful for any person eighteen (18) years of age or older to engage in peddling or solicitation activities within the City of Watertown without first obtaining a permit issued by the chief of police; provided, however, that the following are exempted from the provisions of this section:

(1) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;

(2) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;

(3) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person; or

(4) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary. (Ord. #98-2, April 1998)

9-203. Permit for sponsoring juvenile peddlers. (1) No person under the age of eighteen (18) shall be permitted to engage in peddling except on behalf of their school, church or charitable organization. No permit or license shall be required for minors engaging in such permitted solicitation so long as they are supervised by an adult.

(2) A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one (1) or more persons under eighteen (18) years of age.

(3) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.

(4) The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting. (Ord. #98-2, April 1998)

9-204. Permit application. Every person subject to the provisions of this chapter shall file with the chief of police an application in writing on a form to be furnished by the chief, which shall provide the following information:

(1) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;

(2) A brief description of the business or activity to be conducted;

(3) The hours and location for which the right to peddle or solicit is desired;

(4) If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(5) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

(6) Proof of possession of any license or permit which, under federal, state or local laws or regulations, or which, under any such law or regulation would exempt the applicant from the licensing requirements of this chapter; and

(7) Two (2) photographs of the applicant which shall have been taken within sixty (60) days immediately prior to the date of filing of the application. The photographs shall measure 3 inches by 4 inches and show the head and shoulders of the applicant in a clear and distinguishing manner. (Ord. #98-2, April 1998)

9-205. Fees. At the time the application is filed with the department, the applicant shall pay a fee to cover the cost to the city of processing the application and investigating the facts stated therein. The permit fee shall be fifty dollars (\$50.00) for each solicitor or peddler for each fourteen day period of solicitation. (See Tennessee Code Annotated, § 67-4-709 and Tennessee Code Annotated, § 67-4-719) (Ord. #98-2, April 1998)

9-206. Bond. All solicitors requiring cash deposits or taking orders for cash on delivery purchases (C.O.D.) or who require a contract of agreement to

finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future, shall furnish to the department a bond in the amount of five hundred dollars (\$500.00). (Ord. #98-2, April 1998)

9-207. Denial of permit. (1) Upon the review of the application by the chief of police, the chief may refuse to issue a permit to the applicant under this chapter for any of the following reasons:

(a) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customer;

(b) An investigation reveals that the applicant falsified information on the application;

(c) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application.

(d) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

(e) There is no proof as to the authority of the applicant to serve as an agent to the principal; or

(f) The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the chief that the reasons for such earlier denial no longer exist.

(2) The chief's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address. (Ord. #98-2, April 1998)

9-208. Permit expiration. All permits issued under the provisions of this chapter shall expire one (1) year from the date of issuance, unless an earlier expiration date is noted on the permit. (Ord. #98-2, April 1998)

9-209. Identification badges. At the same time the permit is issued, the chief shall issue to each permittee a badge, which shall be worn by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the city. (Ord. #98-2, April 1998)

9-210. Permit exhibition. Every person required to obtain a permit under the provisions of this chapter shall exhibit the permit when requested to

do so by any prospective customer or department employee. (Ord. #98-2, April 1998)

9-211. Transfer prohibited. It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this chapter. (Ord. #98-2, April 1998)

9-212. Entry upon signed premises unlawful. It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the city where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import. (Ord. #98-2, April 1998)

9-213. Hours of solicitation. No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 9:00 P.M. and 9:00 A.M. (Ord. #98-2, April 1998)

9-214. Permit revocation. Any permit issued under this chapter may be revoked or suspended by the chief of police, after notice and hearing, for any of the following reasons:

- (1) Fraud, misrepresentation or false statement contained in the application for a permit;
- (2) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities.
- (3) Conducting peddling or solicitation activities contrary to the provisions contained in the permit;
- (4) Conviction for any crime involving moral turpitude; or
- (5) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public. (Ord. #98-2, April 1998)

9-215. Notice and hearing. Notice of a hearing for revocation of a permit issued under this chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee. (Ord. #98-2, April 1998)

9-216. Appeals. (1) Any person aggrieved by the action or decision of the chief of police to deny, suspend or revoke a permit applied for under the provisions of this chapter shall have the right to appeal such action or decision

to the city council within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.

(2) An appeal shall be taken by filing with the chief a written statement setting forth the grounds for the appeal.

(3) The chief shall transmit the written statement to the city council within ten (10) days of its receipt and the city council shall set a time and place for a hearing on the appeal.

(4) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.

(5) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

(6) The decision of the city council on the appeal shall be final and binding on all parties concerned. (Ord. #98-2, April 1998)

9-217. Claims of exemption. Any person claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a permit fee, shall cite to the chief of police the statute or other legal authority under which exemption is claimed and shall present to the chief proof of qualification for such exemption. (Ord. #98-2, April 1998)

9-218. Violations and penalty. (1) Violation of any of the provisions of this chapter shall be treated as an infraction and shall, upon conviction, be punishable by a fine of up to \$50.00.

(2) In addition to criminal enforcement, the city or any individual may pursue any available civil remedies deemed appropriate and necessary. (Ord. #98-2, April 1998)

CHAPTER 3

AGGRESSIVE SOLICITATION

SECTION

9-301. Definitions.

9-302. Prohibited acts.

9-303. Penalties.

9-304. Construction and severability.

9-301. Definitions. For purposes of this chapter:

(1) "Solicit" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

(2) "Aggressive manner" means and includes:

(a) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

(b) Following the person being solicited, if that conduct is:

(i) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(c) Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation:

(i) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(d) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Soliciting within a traffic lane of a street or highway;

(e) Intentionally or recklessly using obscene or abusive language or gestures:

(i) Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or

(f) Approaching the person being solicited in a manner that:

(i) Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

(3) "Automated teller machine" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(4) "Automated teller machine facility" means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(5) "Bank" means the property upon which any company which loans money or accepts deposits of money does business.

(6) "Check cashing business" means any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

(7) "Public area" means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them. (Ord. #98-3, May 1998)

9-302. Prohibited acts. It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

(1) In an aggressive manner in a public area;

(2) In any public transportation vehicle, or bus or subway station or stop;

(3) Within fifteen (15) feet of any entrance or exit of any bank or check cashing businesses or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

(4) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or

(5) From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle. (Ord. #98-3, May 1998)

9-303. Penalties. (1) A violation of this chapter may be punished by a fine not to exceed fifty dollars (\$50).

(2) In lieu of, or in addition to the penalty provided in this section, a person in violation of this chapter may be required to perform community service work as described by the court.

(3) Any arrest or conviction under this chapter shall be disclosed to government social service agencies that request that the applicable public official be notified of such events. (Ord. #98-3, May 1998)

9-304. Construction and severability. (1) Severability is intended throughout and within the provisions of the chapter. If any section, sentence, clause, or phrase of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this chapter.

(2) This chapter is not intended to prescribe any demand for payment for services rendered or goods delivered.

(3) This chapter is not intended to create a result through enforcement that is absurd, impossible or unreasonable. This chapter should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of Tennessee or the Constitution of the United States of America. (Ord. #98-3, May 1998)

CHAPTER 4

CHARITABLE SOLICITORS

SECTION

- 9-401. Permit required.
- 9-402. Prerequisites for a permit.
- 9-403. Denial of a permit.
- 9-404. Exhibition of permit.

9-401. 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. (1974 Code, § 5-301)

9-402. 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. (1974 Code, § 5-302)

9-403. 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. (1974 Code, § 5-303)

9-404. 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. (1974 Code, § 5-304)

CHAPTER 5

TAXICABS¹

SECTION

- 9-501. Taxicab franchise and privilege license required.
- 9-502. Requirements as to application and hearing.
- 9-503. Liability insurance or bond required.
- 9-504. Revocation or suspension of franchise.
- 9-505. Mechanical condition of vehicles.
- 9-506. Cleanliness of vehicles.
- 9-507. Inspection of vehicles.
- 9-508. License and permit required for drivers.
- 9-509. Qualifications for driver's permit.
- 9-510. Revocation or suspension of driver's permit.
- 9-511. Drivers not to solicit business.
- 9-512. Parking restricted.
- 9-513. Drivers to use direct routes.
- 9-514. Taxicabs not to be used for illegal purposes.
- 9-515. Miscellaneous prohibited conduct by drivers.
- 9-516. Transportation of more than one passenger at the same time.
- 9-517. Fares.

9-501. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1974 Code, § 5-401)

9-502. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab

¹Municipal code reference
Privilege taxes: title 5.

service; present the application to the city council; and make a recommendation 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. The 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. (1974 Code, § 5-402)

9-503. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in 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. (1974 Code, § 5-403)

9-504. 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. (1974 Code, § 5-404)

9-505. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the municipality unless it is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view 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. (1974 Code, § 5-405)

9-506. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1974 Code, § 5-406)

9-507. 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. (1974 Code, § 5-407)

9-508. 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. (1974 Code, § 5-408)

9-509. 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. (1974 Code, § 5-409)

9-510. 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. (1974 Code, § 5-410)

9-511. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the City of Watertown for the purpose of obtaining patronage for their cabs. (1974 Code, § 5-411)

9-512. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging

passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1974 Code, § 5-412)

9-513. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1974 Code, § 5-413)

9-514. 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. (1974 Code, § 5-414)

9-515. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise unreasonably disturb the peace, quiet, and tranquility of the municipality in any way. (1974 Code, § 5-415)

9-516. 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. (1974 Code, § 5-416)

9-517. Fares. All taxicab service shall be furnished under such rate schedules as the city council may from time to time adopt by appropriate ordinance or resolution. (1974 Code, § 5-417)

CHAPTER 6

POOL ROOMS¹

SECTION

9-601. Prohibited in residential areas.

9-602. Hours of operation regulated.

9-603. Minors to be kept out; exception.

9-604. Gambling, etc., not to be allowed.

9-601. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1974 Code, § 5-501)

9-602. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 12:00 A.M. and 6:00 A.M. on other days. (1974 Code, § 5-502, modified)

9-603. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, 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. (1974 Code, § 5-503)

9-604. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire, to permit any gambling or other unlawful or immoral conduct on such premises. (1974 Code, § 5-504)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 7

CABLE TELEVISION

SECTION

9-701. To be furnished under franchise.

9-701. To be furnished under franchise. Cable television service shall be furnished to the City of Watertown and its inhabitants under franchise as the city council shall grant. The rights, powers, duties and obligations of the City of Watertown and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹Complete details relating to the cable television franchise agreement are in the office of the city recorder.

CHAPTER 8

ADULT ORIENTED ESTABLISHMENTS

SECTION

- 9-801. Definitions.
- 9-802. Compliance with state laws.
- 9-803. Prohibited conduct.
- 9-804. Distance requirements.
- 9-805. Prohibited use of premises.
- 9-806. Building construction.
- 9-807. Booths and cubicals.
- 9-808. Violation and penalty.
- 9-809. Real property.

9-801. Definitions. For the purposes of this chapter, the following definitions shall be used:

(1) "Adult bookstore" means an establishment having as a substantial or significant portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and/or, have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein;

(2) "Adult cabaret" means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;

(3) "Adult entertainment" means any exhibition on any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, or any other personal service offered customers;

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by patrons therein;

(5) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to

"specified sexual activities" or "specified anatomical areas" as described below, for observation by patrons therein;

(6) "Adult-oriented establishments" includes, but is not limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishment," "escort service," or "adult cabarets" and further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An "adult-oriented establishment" further includes any premises that is physically arranged and used for adult entertainment; or any activity or business which has "adult entertainment" for charge or profit;

(7) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment;

(8) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee, escort or an independent contractor;

(9) "Escort" means a person who, for monetary consideration in the form of a fee, commission, salary or tip, dates, socializes, visits, consorts with, accompanies, or offers to date, socialize, visit, consort with or accompany to social affairs, entertainment or places of amusement or within any place of public resort or within any private quarters of a place of public resort;

(10) "Escort service" means a person as defined herein, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts;

(11) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

(12) "Open office" means an office at the escort service from which the escort business is transacted and which is open to patrons or prospective patrons during all hours during which escorts are working, which is managed or operated by an employee, officer, director or owner of the escort service having authority to bind the service to escort and patron contracts and adjust patron and consumer complaints;

(13) "Operator" means any person, partnership, limited partnership, limited liability company or corporation operating, conducting or maintaining an adult-oriented establishment;

(14) "Person" means an individual, partnership, limited partnership, limited liability company, firm, corporation or association;

- (15) "Specified anatomical areas" means:
- (a) Less than completely and opaquely covered:
 - (i) Human genitals;
 - (ii) Pubic region;
 - (iii) Buttocks; and
 - (iv) Female breasts below a point immediately above the top of the areola; and
 - (b) Human male genitals in a discernibly turgid state, even if completely opaquely covered; and
- (16) "Specific sexual activities" means:
- (a) Human genitals in a state of sexual stimulation or arousal;
 - (b) Acts of human masturbation, sexual intercourse or sodomy;
- or
- (c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts. (Ord. #97-4, May 1997)

9-802. Compliance with state laws. (1) All persons operating an adult-oriented establishment within the city limits of Watertown, Tennessee shall obey and follow all state statutes, including but not limited to all statutes concerning nudity and shall also comply with any licensing requirements which may be required under state, county or city law.

(2) All persons, operators or owners of an adult-oriented establishment, as defined herein, or by applicable state law, shall comply to the requirements of Tennessee Code Annotated, §§ 39-17-901 through 39-17-908, § 39-17-911, § 39-17-914, and §§ 39-17-918 through 39-17-920 or be subject to prosecution under said state law.

(3) All persons, operators or owners of an adult-oriented establishment, as defined herein, or by applicable state law, shall comply with the requirements of Tennessee Code Annotated, § 39-13-511 or be subject to prosecution under the provisions of said statute. (Ord. #97-4, May 1997)

9-803. Prohibited conduct. (1) It shall be unlawful for any person maintaining, owning or operating an adult cabaret or an adult-oriented establishment located within the City of Watertown, Tennessee:

- (a) To permit any dancer to fondle or caress any patron or to permit any patron to fondle or caress any dancer; or
 - (b) To permit dancing at any location which shall encourage the patrons to fondle or caress a dancer; or
 - (c) To permit any dancer to solicit any pay or gratuity from any patron; or
 - (d) To permit any dancer to perform off of the permanent stage;
- or
- (e) To permit any patron to be seated or to stand closer than four (4) feet to the edge of the permanent stage.

(2) No person who maintains, owns or operates an adult-oriented establishment shall permit specified sexual activities to occur on the premises, nor shall permit any viewing of specified anatomical areas to occur on the premises. (Ord. #97-4, May 1997)

9-804. Distance requirements. No adult-oriented establishment shall be operated or maintained within one thousand (1,000') feet of a residentially zoned district, the property line of a lot devoted to residential use, a church, a state licensed daycare facility, public library, or private/public education facility which serves persons ages 17 years or younger, and elementary school, a high school, funeral parlor/home, a public park, a place of assembly of fifty people or more, or another adult-oriented establishment as defined herein. To determine the distance requirements under this section, said distance limitation shall be measured in a straight line from and to the nearest lot lines of the premises for the adult-oriented establishment and the lot lines of the above defined areas. (Ord. #97-4, May 1997)

9-805. Prohibited use of premises. No commercial building, structure, premises or subdivision, or part thereof, or facilities therein, shall be so constructed, used, or operated for the purposes of high-risk sexual conduct as defined by "specified sexual activities"; and no commercial building, structure, premises or subdivision, or part thereof, or facilities therein, shall be designed for or used to promote high-risk sexual conduct which could be conducive to the spread of Acquired Immune Deficiency Syndrome (AIDS), and any commercial building or structure which is constructed or used for such activities shall be in violation of this chapter. (Ord. #97-4, May 1997)

9-806. Building construction. To promote the health, safety and welfare of all persons in the City of Watertown, no person shall occupy any commercial building, structure, or premises, or portion or part thereof which fails to comply with the following requirements:

(a) For the prevention of the spread of sexually-transmitted disease, no partitions between subdivision of a room, portion or part of a building, structure or premises may have an aperture which is designed or otherwise constructed to encourage sexual activities or contact between persons on either side of the partition.

(b) No booths, stalls, or partition portions of a room, or individual rooms, used for the viewing of motion pictures or other forms of entertainment, shall have doors, curtains or portal partitions, but all such booths, stalls, partition portions of a room, or individual room so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of adult-oriented

entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered adult-oriented entertainment.

(c) No commercial building, structure or premises shall be so constructed that private rooms or accommodations can be offered to patrons of that business operated therein if:

(i) The building structure or premises is in violation of this chapter; and

(ii) The building, structure or premises is not a validly operating hotel, motel, apartment complex or condominium. (Ord. #97-4, May 1997)

9-807. Booths and cubicals. During the operation of an adult-oriented establishment, where booths or cubicals are employed, only one individual shall occupy a booth, room or cubical at any one time. No occupant of a booth, room or cubical shall engage in any type of specified sexual activity or any sexual activity which may cause any bodily discharge or litter while in the booth. The owner and operator of the adult-oriented establishment shall maintain the premises in a clean and sanitary manner at all times. (Ord. #97-4, May 1997)

9-808. Violation and penalty. Any person violating this chapter shall commit an offense against the City of Watertown, Tennessee, and upon conviction shall be fined under appropriate state law, or shall be fined for a conviction within the City Court of Watertown, Tennessee, with a fine of up to fifty dollars (\$50.00) per day per violation. This chapter does not apply to any theatrical production which is performed in a theater by a professional or amateur theatrical or musical company and which has serious artistic merit, or to any other actions which are construed to have serious artistic merit. (Ord. #97-4, May 1997)

9-809. Real property. Any real property found to be in violation of the requirements stated in this chapter may also be subject to an order of closure, and/or cease and desist, by chancery court action seeking injunctive relief to enforce the provisions of this law. (Ord. #97-4, May 1997)

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

1. IN GENERAL.
2. DOGS AND CATS.
3. DANGEROUS DOGS.

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

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

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the City of Watertown. (1974 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come 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. (1974 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the city, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1974 Code, § 3-103)

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1974 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1974 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1974 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the 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. (1974 Code, § 3-107)

10-108. 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. (1974 Code, § 3-108)

CHAPTER 2

DOGS AND CATS

SECTION

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

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1974 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1974 Code, § 3-202, modified)

10-203. Dogs running at large prohibited. (1) It shall be unlawful for any person to permit any dog owned by him or under his control to run at large within the corporate city limits of the City of Watertown.

A dog shall be deemed to be running at large when:

(a) Not on the premises of the owner, possessor or keeper thereof and not controlled through use of an electronic restraint, fence, leash, cord, or chain held by the dog's owner, possessor or keeper or an agent, servant or member of the immediate family thereof; or,

(b) On the premises of the owner, possessor or keeper, but confined in such a way as to allow the dog to have access to the public right-of-way.

(2) **Evidence of ownership of dogs.** If any dog is found on the premises of any person for a period of five (5) days or more, it shall be prima facie evidence that such dog belongs to the occupant of such residence. Any person or person keeping, harboring or knowingly providing access to food, water and shelter for a dog for five (5) consecutive days shall, for the purpose of this section, be declared to be the owner thereof, and liable for violations of this section.

(3) **Enforcement.** Any police officer, including special officers designated by the chief of police, who is employed by the city is hereby

authorized to issue a summons and complaint to any person when such officer personally observes a violation of the provisions of this section.

Any person or persons who is found or enters a plea of guilty in municipal court for violation of the provisions of this section shall be fined fifty dollars (\$50.00).

Any person who has personal knowledge that an act or acts which are made unlawful by the provisions of this section have occurred may under oath, file a complaint with the city recorder and the chief of police or his agent shall issue a summons based on the information or complaint with the city recorder. (Ord. #95-6, July 1995)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1974 Code, § 3-204, modified)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog or cat which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1974 Code, § 3-205, modified)

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 health officer or chief of police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1974 Code, § 3-206)

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

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily

destroyed by the health officer or any policeman.¹ (1974 Code, § 3-207, as amended by Ord. #84-1, June 1984)

¹State law reference

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

CHAPTER 3

DANGEROUS DOGS

SECTION

- 10-301. Definitions.
- 10-302. Unlawful.
- 10-303. Standards and requirements.
- 10-304. Sale or transfer of ownership prohibited.
- 10-305. Animals born of registered dogs.
- 10-306. Irrebuttable presumptions.
- 10-307. Failure to comply.
- 10-308. Violations and penalties.

10-301. Definitions. The words used in this chapter shall have the following definitions:

Pit Bull Dog

- (1) The bull terrier breed of dog; and
- (2) Staffordshire bull terrier breed of dog; and
- (3) The American pit bull terrier breed of dog; and
- (4) The American Staffordshire terrier breed of dog; and
- (5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; and
- (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds. (Ord. #98-1, March 1998)

10-302. Unlawful. It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of Watertown, Tennessee, except that pit bull dogs located within the City of Watertown, Tennessee on the effective date of this chapter, may be kept therein upon strict compliance with the standards and requirements set forth in § 10-303. (Ord. #98-1, March 1998)

10-303. Standards and requirements. The following standards and requirements shall apply to pit bull dogs located within the corporate limits upon the effective date of this chapter:

- (1) Registration. Within ten (10) days of the effective date of this chapter, each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the city police.

(2) Leash and muzzle. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or structures. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(3) Confinement. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building ordinances and regulations of the City of Watertown and shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

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

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

(6) Insurance. All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the Watertown City Police of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Watertown City Police.

(7) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the city police two color photographs of the dog clearly showing the color and approximate size of the animal.

(8) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the Watertown City Police as required hereinafter:

- (a) The removal from the city or death of a pit bull dog;
- (b) The birth of offspring of a pit bull dog;
- (c) The new address of pit bull dog owner should the owner move within the corporate city limits. (Ord. #98-1, March 1998)

10-304. Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the City of Watertown unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City of Watertown. (Ord. #98-1, March 1998)

10-305. Animals born of registered dogs. All offspring born of pit bull dogs within the City of Watertown must be removed from the City of Watertown within six (6) weeks of the birth of such animal. (Ord. #98-1, March 1998)

10-306. Irrebuttable presumptions. There shall be an irrebuttable presumption that any dog registered with the City of Watertown as a pit bull dog or any of those breeds defined by § 10-301 hereof is in fact a dog subject to the requirements of this chapter. (Ord. #98-1, March 1998)

10-307. Failure to comply. It shall be unlawful for the owner, keeper, harbinger, or possessor of a pit bull dog within the City of Watertown to fail to comply with the provisions of this chapter. Any dog found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City of Watertown. (Ord. #98-1, March 1998)

10-308. Violations and penalties. Any persons violating or permitting the violation of any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to the fine as prescribed in the general penalty clause for this code. Each day such violation shall continue constitutes a separate offense. Further, the city court may order the dog removed from the City of Watertown. Should the defendant refuse to remove the dog from the City of Watertown the city court judge shall find the defendant in contempt and order the immediate confiscation and impoundment of the animal. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the persons's failure to abide by the provisions of this chapter. (Ord. #98-1, March 1998)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. JUVENILE CURFEW.
9. MISCELLANEOUS.
10. LOITERING, ETC.
11. MISDEMEANORS OF THE STATE ADOPTED.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Open containers of beer or alcoholic beverages.
11-102. Violation and penalty.

11-101. Open containers of beer or alcoholic beverages. (1) During occupancy of a vehicle. No open containers of beer or alcoholic beverages shall be displayed by any person during the occupancy of any vehicle located on the public square, or upon any public parking lot within the city limits, or upon any private parking lot which is posted pursuant to the notices stated herein. For

¹Municipal code references

Animals and fowls: title 10.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

purposes of definition, occupancy of a vehicle shall include any person who has left a vehicle and is standing nearby in the general vicinity of the vehicle.

(2) Upon public property. No person shall carry or display an open container of beer or alcoholic beverage upon the city streets of Watertown, Tennessee or upon public property, including but not limited to school property and park property.

(3) Upon private parking lots. No person shall carry or display any open container of beer or alcoholic beverage upon a private parking lot during the hours defined by a posting notice on said lot where the owner or operator of the private parking lot has posted a notice pursuant to the provisions described in § 11-1003 of this municipal code. (Ord. #97-1, Feb. 1997)

11-102. Violation and penalty. Any person who violates any provision of this chapter shall be subject to a fine of up to fifty and 00/100 dollars (\$50.00) for each violation. (Ord. #97-1, Feb. 1997)

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

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1974 Code, § 10-233, modified)

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. (1974 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET**SECTION**

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1974 Code, § 10-202)

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

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

(a) Blowing horns. The sounding of any horn or other device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or

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

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

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

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

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

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

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

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

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

(1) 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 amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1974 Code, § 10-232)

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. (1974 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. (1974 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. (1974 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 municipality while such officer or employee is performing or attempting to perform his municipal duties. (1974 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. (1974 Code, § 10-229)

CHAPTER 6**FIREARMS, WEAPONS AND MISSILES****SECTION**

- 11-601. Air rifles, etc.
- 11-602. Throwing missiles.
- 11-603. Discharge of firearms.

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. (1974 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 maliciously upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1974 Code, § 10-214)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1974 Code, § 10-212, modified)

CHAPTER 7

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

11-701. Trespassing on trains.

11-702. Malicious mischief.

11-703. Interference with traffic.

11-701. Trespassing on trains¹. 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 in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1974 Code, § 10-221)

11-702. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1974 Code, § 10-224)

11-703. 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. (1974 Code, § 10-231)

¹Municipal code reference
Civil trespass: § 11-1005.

CHAPTER 8**JUVENILE CURFEW****SECTION**

- 11-801. Title.
- 11-802. Definitions.
- 11-803. Restrictions.
- 11-804. Exceptions.
- 11-805. Enforcement.
- 11-806. Construction of severability.
- 11-807. Continuing evaluation.
- 11-808. Notice.
- 11-809. Chapter cumulative.

11-801. Title. This chapter shall be known as the "Juvenile Curfew Ordinance." (Ord. #94-1, Sept. 1994)

11-802. Definitions. For purposes of this chapter the following terms, phrases, or words used in the present tense include the future, words in the plural number include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Watertown, Tennessee.
- (2) "Minor" or "juvenile" is any unemancipated person under the age of eighteen (18) or in equivalent phrasing often herein employed, any person seventeen (17) years or less.
- (3) "Parent" is any person having legal custody of a minor
 - (a) As a natural or adoptive parent;
 - (b) As a legal guardian; or
 - (c) As a person to whom legal custody has been given by order of the court.
- (4) "Remain" means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregation of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exemptions are expressly defined in § 11-803 so that this is not a mere prohibitory or presence type curfew ordinance.
- (5) "Street" is a way or place, or whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel.
- (6) "Time," whether central standard time or central daylight savings time, is the time generally observed at that hour by the public in the city, prima facie the time when observed in the city administrative offices and police department.

(7) "Year of age" continues from one birthday, such as the seventeenth, to (but not including the day of) the next, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age," unless specifically defined differently herein.

(8) "Police department" shall refer to the Police Department of the City of Watertown, Tennessee.

(9) "Public place" shall refer to any street, alley, avenue, highway, road, curb area sidewalk, park, playground, or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center, and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

(10) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(11) "Serious bodily injury" means bodily injury that creates a substantial risk of death or impairment of the function of any bodily member or organ. (Ord. #94-1, Sept. 1994)

11-803. Restrictions. It shall be unlawful for any minor under eighteen (18) years of age to remain in or upon any public place within the city during a period ending at 5:00 A.M. and beginning at 11:00 P.M., Sunday through Thursday, and during a period ending at 5:00 A.M. and beginning at 12:00 midnight, Friday and Saturday.

It shall further be unlawful for a parent of a minor to knowingly permit or by inefficient or insufficient control allow such minor to be or remain in any public place within the city under circumstances not constituting an exception to, or otherwise beyond the scope of, the curfew ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child. (Ord. #94-1, Sept. 1994)

11-804. Exceptions. It shall be a valid exception to the operation of the curfew if the minor was:

- (1) At any time, accompanied by his or her parent;

(2) Accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area;

(3) Legally employed, for the period from forty-five minutes after work, while going directly between his or her home and place of employment without any stop or detour. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come within this exception, the minor must be carrying a written statement of employment issued by employer;

(4) On the property of or the sidewalk directly adjacent to the place where such minor resides or the place immediately adjacent thereto if the owner of the adjacent building does not communicate an objection to the minor and the police officer;

(5) Returning home by a direct route from (and within forty-five (45) minutes of the termination of) a school activity or an activity of a religious or other voluntary association or a place of public entertainment, such as a movie, play or sporting event. This exception will not apply beyond 1:30 A.M. If the event is not commercial in nature or does not have a fixed, public known time at which it will or does end, the sponsoring organization must register the event with the chief of police (or his assigned representative) at least 24 hours in advance informing the police department of the time such event is scheduled to begin, the place at which it shall be held, the time at which it shall end and the name of the sponsoring organization;

(6) In the case of reasonable necessity, but only after such minor's parent has communicated to the police department personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including place or origin and destination. A copy of such communication, or the police record thereof, with an appropriate notation of the time it was received and of the names and addresses of such parent and minor shall constitute evidence of qualification under this exception;

(7) Exercising first amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech and the right of assembly;

(8) Involved in an emergency;

(9) Married or had been married or had disability of minority removed in accordance with Tennessee law.

Each of the foregoing exemptions, and their several limitations, such as provisions for notification, are severable. (Ord. #94-1, Sept. 1994)

11-805. Enforcement. (1) A police officer of the city who has probable cause to believe that a minor is in violation of this chapter shall:

(a) Ascertain the name and address of the minor;

- (b) Issue the minor a written warning that the minor is in violation of this chapter; and,
 - (c) Order the minor to go promptly home by a direct route.
- (2) Notwithstanding paragraph (1) of this section, a police officer who has probable cause to believe that a minor is in violation of this chapter, shall transport the minor to the police department if:
- (a) The minor has received one previous written warning for violation of this chapter; or,
 - (b) Reasonable grounds exist to believe the minor has engaged in delinquent conduct.

When a minor is taken to the police department, the minor's parents shall be immediately contacted. If after this contact there is still probable cause to believe that the minor was violating this chapter the minor shall be held until the parent comes to take the minor home. When the parent arrives he or she shall be given a copy of this chapter. If no parent has arrived within one hour, the minor shall be turned over to the custody of the local juvenile authorities until a parent can take custody of him or her.

(3) In case of a second violation by a minor, the chief of police shall, by certified mail, send to the minor's parent written notice of said violation with a warning that any subsequent violation will result in a full enforcement of the curfew ordinance, including enforcement of parental responsibility and of applicable penalties. Said notice shall be sent to the minor's parent at his or her last known address and evidence of its mailing by certified mail shall constitute sufficient notice of the minor's violation.

(4) If after the mailing of the notice set forth in subsection (3) herein of a second violation by a minor, a parent violates § 11-803 (in connection with a third violation by a minor) this shall be treated as a first offense by the parent. For such first parental offense, a parent shall be fined twenty-five dollars (\$25.00). For each subsequent offense by a parent, the fine shall be increased by an additional twenty-five dollars (\$25.00), (e.g. fifty dollars (\$50.00) for the second, seventy-five (\$75.00) for the third offense). (Ord. #94-1, Sept. 1994)

11-806. Construction of severability. Severability is intended throughout and within the provisions of the curfew ordinance. If any provision including inter alia any exception, part, phrase or term of the application to any person or circumstances is held invalid the application to other persons or circumstances shall not be affected thereby. The board of mayor and aldermen does not intend a result that is absurd, impossible to execute or unreasonable. It is intended that the curfew ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. The board of mayor and aldermen does not intend to violate the Constitution of the State of Tennessee or the Constitution of the United States of America. (Ord. #94-1, Sept. 1994)

11-807. Continuing evaluation. The board of mayor and aldermen will continue its evaluation and updating of this curfew ordinance through methods including, but not limited to:

Within six (6) months after the implementation of this chapter, the chief of police shall provide the board of mayor and aldermen with a report concerning the effect of this chapter on crimes committed by and against minors and of the number of warnings issued and arrest of minors and parents hereunder, and such other information as the board of mayor and aldermen may request.

After receipt of the police chief's report to the board, the city recorder shall place this matter on the board's agenda for discussion, review and continuing evaluation. (Ord. #94-1, Sept. 1994)

11-808. Notice. The city recorder shall provide notice of this chapter and of the curfew regulations established by it by having copies of this chapter posted in, on or about such public or quasi-public places as may be determined by the board in order that the public may be constantly informed of the existence of this chapter and its amendments and regulations. (Ord. #94-1, Sept. 1994)

11-809. Chapter cumulative. This chapter shall be cumulative and in addition to any other laws in force. (Ord. #94-1, Sept. 1994)

CHAPTER 9**MISCELLANEOUS****SECTION**

11-901. Abandoned refrigerators, etc.

11-902. Caves, wells, cisterns, etc.

11-903. Posting notices, etc.

11-901. 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. (1974 Code, § 10-222)

11-902. 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. (1974 Code, § 10-230)

11-903. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1974 Code, § 10-226)

CHAPTER 10**LOITERING, ETC.****SECTION**

- 11-1001. Congregating around vehicles in the public square.
- 11-1002. Littering on private parking lots.
- 11-1003. Loitering on private parking lots.
- 11-1004. Loitering defined.
- 11-1005. Civil trespass.
- 11-1006. Violation and penalty.

11-1001. Congregating around vehicles in the public square. On and after passage of this chapter, during the hours of 11:00 P.M. through 5:00 A.M. on Sunday through Thursday or during the hours of 12:00 P.M. through 5:00 A.M. on Friday and Saturday night, no person or persons shall be allowed to sit in or congregate around automobiles or other vehicles on the public square of Watertown, Tennessee and that area adjacent to the public square unless a recognized or city sponsored public event is occurring during those hours. Any person or persons found to be sitting on the public square in the above described area during the time stated, shall be requested to remove themselves and their vehicle from the subject area, and if the removal is not accomplished within a reasonable time, the person(s) shall be found in violation of this section and shall furthermore be found to be guilty loitering. For purpose of this section, a reasonable time is a period of not more than five (5) minutes from receipt of the warning. (Ord. #97-1, Feb. 1997)

11-1002. Littering on private parking lots. No person shall cause littering to occur on a private parking lot which is posted pursuant to the provisions of this law. (Ord. #97-1, Feb. 1997)

11-1003. Loitering on private parking lots. Any property owner or manager of a parking lot may choose to provide protection for their property by posting visible signs in one or more locations which clearly shows that the subject parking lot is a "posted area" and is subject to the provisions of this chapter. The sign shall state the following minimum warning:

WARNING-POSTED AREA

No loitering or standing is allowed in this parking lot from and after 11:00 P.M. until 5:00 A.M. in the morning, except by express permission of the owner or manager. Violators shall be prosecuted under the provisions of Title 11, Chapter 10 of the Watertown Municipal Code.

Businesses who are open twenty-four (24) hours per day may place an additional provision which states "persons or vehicles occupying the subject premises during the above hours must be customers or they shall be subject to prosecution." (Ord. #97-1, Feb. 1997)

11-1004. Loitering defined. For purposes of this chapter, a person is guilty of the offense of loitering if that person:

- (1) Remains on posted property, public or private, after the hours described in the posted warning sign; and
- (2) Continues to remain after receiving a warning from the owner or manager of the property or from the police and the person has refused to move from said premises within a reasonable time.

For purposes of this chapter, a reasonable time for a person to remove themselves from a posted area, after receiving a warning, shall be a period of not more than five (5) minutes from the receipt of the warning. (Ord. #97-1, Feb. 1997)

11-1005. Civil trespass. It shall also be unlawful for any person to commit civil trespass within the city limits:

(1) A person commits civil trespass who, knowing they do not have the owner's effective consent to do so, enters or remains on private property, or a portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining on the subject private property is given by:

- (a) Personal communication to the person by the owner or their agent or by someone with apparent authority to act for the owner; or
- (b) The property has a fencing or other enclosure obviously designed to exclude intruders; or
- (c) The use of posting reasonably likely to come to the attention of intruders.

(2) It is a defense to the prosecution for the offense of civil trespass if the property is not clearly marked as being restricted and the property is otherwise open to the public; and the persons conduct did not substantially interfere with the owner's use of the property; and upon being requested to move from the property, the person immediately left the premises.

Under the provisions of this section, a person who has received a warning from a law enforcement official and has been requested to leave the premises which are posted in such a manner as to give reasonable notice of the trespass violation, shall be deemed to have committed civil trespass. (Ord. #97-1, Feb. 1997)

11-1006. Violation and penalty. Any person who violates any provision of this chapter shall be subject to a fine of up to fifty and 00/100 dollars (\$50.00) for each violation. (Ord. #97-1, Feb. 1997)

CHAPTER 11

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-1101. Class "C" misdemeanors of the state adopted.

11-1101. Class "C" misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits of Watertown and which are defined by the state law to be Class "C" misdemeanors are hereby designated and declared to be offenses against the municipality also pursuant to Tennessee Code Annotated, § 55-10-307. Any violation of any such law within the corporate limits is also a violation of this section. This section does not invalidate any specific Watertown Municipal Code section concerning misdemeanors. (as added by Ord. #2004-___, Sept. 2004, and Ord. #2005-___, June 2005)

TITLE 12

BUILDING, UTILITY, ETC. CODES

[RESERVED FOR FUTURE USE]

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED, WRECKED, JUNKED AND DISMANTLED MOTOR VEHICLES.
4. REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS.
5. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

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

13-101. Health officer. The "health officer" shall be the chief of police or such municipal, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1974 Code, § 8-101, as amended by Ord. of March 12, 2002)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1974 Code, § 8-105)

¹Municipal code references
Animal control: title 10.
Littering streets, etc.: § 16-107.

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1974 Code, § 8-106)

13-104. Weeds and grass. Every owner or tenant of real property located within the city limits of Watertown, Tennessee, 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 health officer to cut such vegetation when it has reached a height of over one (1) foot. (1974 Code, § 8-107, as amended by Ord. of March 12, 2002)

13-105. Overgrown and dirty lots. It shall be unlawful for any owner of record of real property, or any tenant of real property, to create, maintain or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals. (1974 Code, § 8-108, as replaced by Ord. of March 2002)

13-106. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1974 Code, § 8-109, as replaced by Ord. of March 12, 2002)

13-107. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1974 Code, § 8-104, as replaced by Ord. of March 12, 2002)

13-108. Penalties. (1) Any person violating any of the provisions of this chapter shall be served by the health officer, or his designee, with a written warning ticket stating the nature of the violation and providing up to, but not limited to, ten (10) days time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Should the offender fail to completely correct the violation cited in the warning ticket to the satisfaction of the health officer, then the health officer, or his designee, may proceed with one of the following alternatives, but not both:

(a) A written citation shall be issued to the violator requiring them to appear at the next date of the Watertown City Court where, upon conviction, they shall be subject to a penalty of up to \$50.00 for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

(b) Or, alternatively, if the violator of any of these ordinances shall fail to correct the violation within the time allowed by the warning citation, the health officer, or a designated representative of the city, may take whatever action necessary to correct the nuisance, keeping an account of the expense of the action necessary to correct the violation and such expense shall be charged and paid by such owner or occupant. These charges shall be a lien upon the premises. A bill representing the cost and expense to include any and all reasonable legal fees and court costs incurred by the city in enforcing these ordinances and incurred or payable for the service shall be presented to the owner. If this bill is not paid within 30 days of submission of the bill, a notice of lien of the costs and expenses thereof incurred by the city shall be recorded in the following manner:

(i) A description of the real estate sufficient for identification thereof.

(ii) The amount of money representing the cost and expense incurred or payable for the service.

(iii) The date or dates when said cost and expense was incurred by the city and shall be filed within sixty days after the cost and expense is incurred.

(c) Payment. Notice of such lien claim shall be mailed to the owner of the premises if his address is known, or to his last known address. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

(d) Foreclosure of lien. Properties subject to a lien for unpaid charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the city and may not proceed until after the lien has been in effect for sixty (60) days. (as added by Ord. of March 12, 2002)

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

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits of the City of Watertown 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. (1974 Code, § 8-111)

¹State law reference

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

CHAPTER 3

ABANDONED, WRECKED, JUNKED, AND DISMANTLED MOTOR VEHICLES

SECTION

- 13-301. Short title.
- 13-302. Definitions.
- 13-303. Storing, parking or leaving dismantled or other such vehicle prohibited, and declared nuisance; exceptions.
- 13-304. Notice to remove.
- 13-305. Responsibility for removal.
- 13-306. Notice procedure.
- 13-307. Content of notice.
- 13-308. Request for hearing.
- 13-309. Procedure for hearing.
- 13-310. Removal of motor vehicle from property.
- 13-311. Notice of removal.
- 13-312. Disposition of vehicles.
- 13-313. Contents of public sale notice.
- 13-314. Public sale.
- 13-315. Redemption of impounded vehicles.
- 13-316. Penalty.

13-301. Short title. This chapter shall be known and may be cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle Chapter." (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-302. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number included the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Watertown.
- (2) "Chief of police" is the Chief of Police of the City of Watertown.
- (3) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers and trailers.
- (4) "Junked motor vehicle" is any motor vehicle, as defined by subsection (3) of § 13-302, which does not have lawfully affixed thereto an unexpired license plate or plates and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

(5) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(6) "Private property" shall mean any real property within the city which is privately owned and which is not public property as defined in this section.

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-303. Storing, parking or leaving dismantled or other such vehicle prohibited, and declared nuisance; exceptions. No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for the antique collection purposes. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-304. Notice to remove. Whenever it comes to the attention of the chief of police that any nuisance as defined in § 13-303 of this chapter exists in the City of Watertown, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property of his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-305. Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private property where same is located, shall be liable for the expenses incurred. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-306. Notice procedure. The chief of police of the city shall give notice of removal to the owner or occupant of the private property where it is located, at least seven (7) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-307. Content of notice. The notice shall contain the request for removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-308. Request for hearing. The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the city council of the City of Watertown or its designee within the seven (7) day period of compliance prescribed in § 13-306 for the purpose of defending the charges by the city. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-309. Procedure for hearing. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-310. Removal of motor vehicle from property. If the violation described in the notice has not been remedied with the seven (7) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the council of the City of Watertown or its designee, the chief of police or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-311. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle, the chief of police shall give notice to the registered owner of the

vehicle, if known, and also to the owner or occupant of the private property from which the vehicle has removed, that said vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle, or vehicles, is stored, and the costs incurred by the city for removal. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-312. Disposition of vehicles. Upon removing a vehicle under the provisions of § 13-310, the city shall after ten (10) days, cause it to be appraised. If the vehicle is appraised at \$75.00 or less, the chief of police shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The chief of police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over \$75.00, the chief of police shall give notice of public sale not less than seven (7) days before the date of the proposed sale. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-313. Contents of public sale notice. The notice of sale shall state:

- (1) The sale is of abandoned property in the possession of the city.
- (2) A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.
- (3) The terms of the sale.
- (4) The date, time and place of the sale. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-314. Public sale. The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original of which to be given to the purchase, and the copy thereof to be filed with the recorder of the city. Should the sale for any reason be invalid, the city's liability shall be eliminated to the return of the purchase price. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-315. Redemption of impounded vehicles. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the chief of police of such sum as he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

13-316. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject

to a fine of not more than \$50.00. Each act in violation of any of the provisions hereof shall be deemed a separate offense. (Ord. #_____, Dec. 1984, as amended by Ord. #_____, May 1991)

CHAPTER 4

REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS

SECTION

13-401. Title.

13-402. Definitions, limitations, notice, enforcement.

13-403. Overgrown and dirty lots.

13-401. Title. This chapter shall be known as the "Removal of Vegetation and Debris from Certain Lots Ordinance."

13-402. Definitions, limitations, notice, enforcement. For purposes of this chapter the following terms, phrases, or words used in the present tense include the future, words in the plural number include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

13-403. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Limitation on application. The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.

(3) Designation of public officer or department. The board of mayor and aldermen shall designate an appropriate department or person to enforce the provisions of this section.

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

(a) A brief statement that the owner is in violation of § 13-401 et seq., of the Watertown Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

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

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

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

(5) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds in Wilson County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

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

(7) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other

applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (Ord. #94-3, Dec. 1994)

CHAPTER 5

SLUM CLEARANCE¹

SECTION

- 13-501. Findings of board.
- 13-502. Definitions.
- 13-503. "Building inspector" designated; powers.
- 13-504. Initiation of proceedings; hearings.
- 13-505. Orders to owners of unfit structures.
- 13-506. When public officer may repair, etc.
- 13-507. When building inspector may remove or demolish.
- 13-508. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-509. Basis for a finding of unfitness.
- 13-510. Service of complaints or orders.
- 13-511. Enjoining enforcement of orders.
- 13-512. Additional powers of building inspector.
- 13-513. Powers conferred are supplemental.
- 13-514. Structures unfit for human habitation deemed unlawful.

13-501. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101 et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (as added by Ord. #2002-___, June 2002)

13-502. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.

(3) "Municipality" shall mean the City of Watertown, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

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

(8) "Building inspector" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #2002-___, June 2002)

13-503. "Building inspector" designated; powers. There is hereby designated and appointed a "building inspector," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (as added by Ord. #2002-___, June 2002)

13-504. Initiation of proceedings; hearings. Whenever a petition is filed with the building inspector by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the building inspector (on his own motion) that any structure is unfit for human occupation or use, the building inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the building inspector (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector. (as added by Ord. #2002-___, June 2002)

13-505. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the building inspector

determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, within the time for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #2002-___, June 2002)

13-506. When building inspector may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the building inspector may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the building inspector may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #2002-___, June 2002)

13-507. When building inspector may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the building inspector may cause such structure to be removed and demolished. (as added by Ord. #2002-___, June 2002)

13-508. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the building inspector shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Wilson County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may

collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the building inspector, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Wilson County by the building inspector, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Watertown to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #2002-___, June 2002)

13-509. Basis for a finding of unfitness. The building inspector defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Watertown. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (as added by Ord. #2002-___, June 2002)

13-510. Service of complaints or orders. Complaints or orders issued by the building inspector pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the building inspector in the exercise of reasonable diligence, and the building inspector shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Wilson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #2002-___, June 2002)

13-511. Enjoining enforcement of orders. Any person affected by an order issued by the building inspector served pursuant to this chapter may file a complaint in Chancery Court for an injunction restraining the building

inspector from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the building inspector pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the building inspector, such person shall file such complaint in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the building inspector shall be entitled to recover any damages for action taken pursuant to any order of the building inspector, or because of noncompliance by such person with any order of the building inspector. (as added by Ord. #2002-___, June 2002)

13-512. Additional powers of building inspector. The building inspector, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter, and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #2002-___, June 2002)

13-513. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #2002-___, June 2002)

13-514. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2002-___, June 2002)

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

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

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

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the city council selected by the city council; 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 city council shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1974 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. (1974 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1974 Code, § 11-103)

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 Watertown shall be governed by Ordinance Number ____, titled "Zoning Ordinance, Watertown, Tennessee," and any amendments thereto.¹

¹Ordinance No. ____, August, 1979, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

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

14-301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the City of Watertown shall be governed by Ordinance #94-2, and any amendments thereto.¹

¹Ordinance #94-2, Dec. 1994, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS²

SECTION

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

¹Municipal code reference

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

²State law references

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

- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Bicycle riders, etc.
- 15-122. Recreational vehicles in city park.
- 15-123. 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. (1974 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. (1974 Code, § 9-106)

15-103. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1974 Code, § 9-109)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the City of Watertown 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. (1974 Code, § 9-110)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1974 Code, § 9-111)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1974 Code, § 9-112)

15-107. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the 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. (1974 Code, § 9-113)

15-108. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1974 Code, § 9-114)

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles

¹Municipal code references

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

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

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. (1974 Code, § 9-115)

15-110. Presumption with respect to traffic-control signs, etc.

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1974 Code, § 9-116)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with 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. (1974 Code, § 9-117)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1974 Code, § 9-118)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1974 Code, § 9-120)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1974 Code, § 9-121)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1974 Code, § 9-122)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1974 Code, § 9-123)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1974 Code, § 9-124)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1974 Code, § 9-125)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1974 Code, § 9-126)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the City of Watertown 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. (1974 Code, § 9-119)

15-121. 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 of the City of Watertown 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 to knowingly permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1974 Code, § 9-127)

15-122. Recreational vehicles in city park. Recreational vehicles of all types such as three wheelers, motorcycles, or other motor driven vehicles are hereby prohibited from being driven in or about the city parks of the City of Watertown. Every person riding or operating a motor driven vehicle of foresaid

shall be subject to a \$50.00 fine in violation of this chapter. (Ord. #_____, May 1987)

15-123. 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 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 authority 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 on file 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 carried 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 therefore, 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 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. #2002-___, April 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. (1974 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle may display either a red or blue light, and it need not be equipped with or display such 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. (1974 Code, § 9-103)

¹Municipal 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. (1974 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. (1974 Code, § 9-105)

CHAPTER 3**SPEED LIMITS****SECTION**

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits in which cases the posted speed limit shall apply. (1974 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. (1974 Code, § 9-202)

15-303. In school zones. It shall be unlawful for any person to operate or drive a motor vehicle at a rate of speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours. (1974 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1974 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1974 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. (1974 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. (1974 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. (1974 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1974 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5**STOPPING AND YIELDING****SECTION**

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

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, 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. (1974 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. (1974 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. (1974 Code, § 9-403)

¹Municipal 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. (1974 Code, § 9-404)

15-505. At "stop" signs¹. 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. (1974 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. (1974 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

¹Municipal code reference

Traffic-control signs: § 15-110.

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": 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.

(4) Steady red with green arrow: 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.

(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. (1974 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. (1974 Code, § 9-408)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1974 Code, § 9-409)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

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

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1974 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. (1974 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. (1974 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the city, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the city. (1974 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. (1974 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. (1974 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of "abandoned motor vehicles."

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1974 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. (1974 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation.

If the offense is a parking violation, the offender may, prior to the date and time of court, have the charge against him disposed of by paying to the city recorder a fine of ten dollars (\$10.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after the date and time of his court appearance, but before a warrant for his arrest is issued,

¹State law reference

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

his fine shall be twenty dollars (\$20.00). In the event he appears in court at the assigned date and time, on a plea of guilty or a finding of guilt, the court shall have the authority to impose a fine of not less than ten dollars (\$10.00) and no more than fifty dollars (\$50.00). (1974 Code, § 9-603, as amended by Ord. #94-5, Aug. 1995)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for 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 vehicle which is illegally parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be fifteen dollars (\$15.00) and the storage costs of fifteen dollars (\$15.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1974 Code, § 9-604, as amended by Ord. #2003-___, May 2003)

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. (1974 Code, § 9-605)

CHAPTER 8**TRAFFIC SCHOOL****SECTION**

15-801. Traffic school; administrative fee.

15-802. Disposition of administrative fee.

15-801. Traffic school; administrative fee. In all cases appearing before the Watertown Municipal Court in which it is deemed and is the discretion of the city judge that a person charged with a traffic offense within the city limits of Watertown shall be allowed to attend a driver's safety school, the City of Watertown shall levy upon said offender a \$60.00 administrative fee before said offender is allowed to attend a traffic or safety school. (Ord. #92-10, _____, as amended by Ord. #95--, Jan. 1996, modified)

15-802. Disposition of administrative fee. All administrative fees collected by the court under this title shall be turned over to the city recorder and be placed in the general fund of the city. (Ord. #92-10, _____)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. ORGANIZATIONS USING CITY PROPERTY.
4. LITTERING.

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. Deleted.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any city owned street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials without prior written consent of the city council and which consent shall not be given more than two (2) times per year. (1974 Code, § 12-101, as amended by Ord. #_____, Dec. 1991)

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

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

(14) feet or over any sidewalk at a height of less than eight (8) feet. (1974 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1974 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. (1974 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. (1974 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 statute. (1974 Code, § 12-106)

16-107. Deleted. (1974 Code, § 12-107, as deleted by Ord. dated Aug. 13, 2005)

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. (1974 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. (1974 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which

shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately . (1974 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than twenty (20) consecutive minutes. (1974 Code, § 12-111, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1974 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. (1974 Code, § 12-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 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. (1974 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹State law reference

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

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1974 Code, § 12-202)

16-203. Fees. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1974 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the City of Watertown of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1974 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1974 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public

place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1974 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1974 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the City of Watertown if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1974 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the 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. (1974 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width

at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1974 Code, § 12-210)

CHAPTER 3**ORGANIZATIONS USING CITY PROPERTY****SECTION**

16-301. Insurance required.

16-301. Insurance required. All organizations using the public square and blocking off city streets to traffic for special events or functions are required to obtain liability insurance in the amount equal to the amount that the City of Watertown has in effect at the time of the function and that said organization so holding a function on city property and city streets shall provide to the City of Watertown a certificate of insurance naming the City of Watertown, Tennessee, as an additional insured. (Ord. #____, Dec. 1991)

CHAPTER 4

LITTERING

SECTION

- 16-401. Definitions.
- 16-402. Violations and penalties.
- 16-403. Persons authorized to initiate prosecution.
- 16-404. Deposit in public places.
- 16-405. Placement in receptacles to prevent scattering.
- 16-406. Sweeping into gutters, cleanliness of sidewalks.
- 16-407. Throwing by persons in vehicles.
- 16-408. Evidence of throwing from vehicles.
- 16-409. Truck loads causing litter, tires carrying mud, oil or other substance.
- 16-410. Dropping from aircraft.
- 16-411. Deposit in parks.
- 16-412. Lakes and fountains.
- 16-413. Occupied private property.
- 16-414. Maintenance of property.
- 16-415. Posting notices.
- 16-416. Abandoned automobiles.
- 16-417. Vacant lots.
- 16-418. Distributing in public places.
- 16-419. Placing on vehicles.
- 16-420. Depositing on vacant premises.
- 16-421. Distribution on posted private property.
- 16-422. Distribution at inhabited private premises.

16-401. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) "Aircraft" means any contrivance known or invented, used or designed for navigation and for flight in the air. The term "aircraft" shall include helicopters, lighter-than-air dirigibles, blimps and balloons.

(2) "Authorized private receptacle" means a litter storage and collection receptacle.

(3) "Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet or any other printed or otherwise reproduced original or copy of any matter of literature.

(4) "Garbage" means putrescible animal and vegetable waste resulting from transporting, handling, preparation, cooking and consumption of food.

(5) "Litter" means garbage, refuse and rubbish and all other waste material.

(6) "Newspaper" means any newspaper of general circulation, or any newspaper duly entered with the Postal Service of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law and, in addition, means and includes any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

(7) "Non-commercial handbill" means any printed or written matter, any sample, device, dodger, circular leaflet, pamphlet, newspaper, magazine, paper booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definition of a commercial handbill or newspaper.

(8) "Park" means a public park, reservation, playground, recreation center or any other public area in the city and the buildings and structures thereon owned or used by the city and devoted to active, inactive or passive recreation.

(9) "Private premises" means any privately owned parcel of land, dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited temporarily or continuously and whether uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such land, dwelling, house, building or other structure.

(10) "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, grounds and buildings and commons.

(11) "Refuse" means all organic and inorganic waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned or junk automobiles, other junk, market and industrial waste.

(12) "Rubbish" means nonputrescible waste consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(13) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public way, including devices used exclusively upon stationary rails or tracks. (as added by Ord. dated Aug. 12, 2003)

16-402. Violations and penalties. Any person who violates a section of this article shall be punished by a penalty of not less than \$25.00 and not more than \$50.00. However, the judge in his discretion may allow an individual convicted of a violation of this article to remove the litter from a section of the state highway system or city street system in lieu of such penalty. (as added by Ord. dated Aug. 12, 2003)

16-403. Persons authorized to initiate prosecution. Prosecution for a violation of this article may be initiated by a peace officer who witnessed the offense while on any public highway, street or road or upon a public park or recreation area or upon any other public property except that designated for that use, or by any private citizen who witnessed an offense or discovered incriminating evidence and who is willing to make the initial charge and testify thereto. (as added by Ord. dated Aug. 12, 2003)

16-404. Deposit in public places. No person shall throw or deposit litter in or upon any street, sidewalk or other public places such as drive-in eating establishments and retail parking areas other than in public receptacles or in authorized private receptacles for collection. (as added by Ord. dated Aug. 12, 2003)

16-405. Placement in receptacles to prevent scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent the litter from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. Private receptacles shall be made secure from overturning and scattering of the contents by dogs and other animals. (as added by Ord. dated Aug. 12, 2003)

16-406. Sweeping into gutters, cleanliness of sidewalks. (1) No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any place or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter.

(2) No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk and parkway in front of their business premises free of litter. (as added by Ord. dated Aug. 12, 2003)

16-407. Throwing by persons in vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street, alley, road public way or other public place or upon private property. (as added by Ord. dated Aug. 12, 2003)

16-408. Evidence of throwing from vehicle. If the throwing, dumping or depositing of litter was done from a motor vehicle, except a motorbus, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle. (as added by Ord. dated Aug. 12, 2003)

16-409. Truck loads causing litter, tires carrying mud, oil or other substance. (1) No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

(2) No person shall drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind. (as added by Ord. dated Aug. 12, 2003)

16-410. Dropping from aircraft. No person in an aircraft shall throw out, drop or deposit any litter, handbill or any other object. (as added by Ord. dated Aug. 12, 2003)

16-411. Deposit in parks. No person shall throw or deposit litter in any park, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article. (as added by Ord. dated Aug. 12, 2003)

16-412. Lakes and fountains. No person shall throw or deposit litter in any fountain, pond, lake, river, stream or any other body of water in a park or elsewhere. (as added by Ord. dated Aug. 12, 2003)

16-413. Occupied private property. No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (as added by Ord. dated Aug. 12, 2003)

16-414. Maintenance of property. The owner, occupant or person in control of any private property or business property shall at all times maintain the premises free of litter. (as added by Ord. dated Aug. 12, 2003)

16-415. Posting notices. No person shall post or affix any notice, poster or other paper or device calculated to attract attention of the public to any lamppost, public utility pole or tree or upon any public structure or building, except as may be authorized or permitted by law. When permitted, these signs must be removed by the person putting them up, after their period of usefulness is over. (as added by Ord. dated Aug. 12, 2003)

16-416. Abandoned automobiles. It shall be unlawful for any person to permit, suffer or allow the accumulation of any old, abandoned or worthless automobile or parts thereof upon any private property or vacant lot owned, occupied or under the control of such person. Such accumulation is declared a nuisance. The occupant of such lot or the tenant, if he is not the owner, shall not be penalized for such nuisance if, after being notified in writing by the city building inspector or his designee of such condition, he shall give the notice to the owner and after such notice the owner shall remove from the property such old, abandoned or worthless automobiles within five days after such notice. Upon failure to comply with the notice, the owner of the property and the tenant or occupant, upon conviction, shall be guilty of a violation of this section. (as added by Ord. dated Aug. 12, 2003)

16-417. Vacant lots. (1) No person shall throw or deposit litter on any open or vacant private property, whether or not such property is owned by the person throwing or depositing such litter.

(2) The city building inspector or his designee is authorized and empowered to notify the owner of any open or vacant private property or the agent of such owner to properly dispose of litter located on such owner's property. The notice shall be by certified mail, addressed to the owner at his last known address.

(3) Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter within 30 days after receipt of written notice provided for in subsection (2) of this section or within 60 days after the date of such notice if the notice is returned to the city by the postal authorities because of inability to make delivery thereof, the building inspector or his designee is authorized and empowered to pay for the disposing of such litter or to order its disposal by the city.

(4) When the city has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of ten (10) percent per annum from the date of the completion of the removal, if not paid by such owner prior thereto, shall be charged to the owner of the property. (as added by Ord. dated Aug. 12, 2003)

16-418. Distributing in public places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, public way, utility pole or other public place. (as added by Ord. dated Aug. 12, 2003)

16-419. Placing on vehicles. No person shall throw or deposit any commercial handbill or noncommercial handbill in or upon any vehicle, unless placed in or on such vehicle in such a manner as to prevent the handbill from being blown or carried about by the elements. (as added by Ord. dated Aug. 12, 2003)

16-420. Depositing on vacant premises. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (as added by Ord. dated Aug. 12, 2003)

16-421. Distribution on posted private property. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by the owner, occupant or agent thereof not to do so or if there is placed on the premises a sign bearing the words "no trespassing," "no peddlers or agents," "no advertisements" or any similar notice, indicating in any manner that the owner, occupant or agent of the premises does not desire to be molested or have his right of privacy disturbed or to have any such handbills left upon such premises. (as added by Ord. dated Aug. 12, 2003)

16-422. Distribution at inhabited private premises. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or agent then present in or upon such private premises with permission to do so. However, for inhabited private premises that are not posted, as provided in this division, such person may place or deposit any such handbill in or upon such inhabited private premises unless requested not to do so and provided the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifting about the premises or sidewalks, streets or other public places. (as added by Ord. dated Aug. 12, 2003)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection vehicles.
- 17-107. Disposal.

17-101. Refuse defined. Refuse shall mean and include garbage, 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. (1974 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the City of Watertown 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. (1974 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 provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse

¹Municipal code reference

Property maintenance regulations: title 13.

container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1974 Code, § 8-203)

17-104. Location of containers. Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the City of Watertown for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1974 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1974 Code, § 8-205)

17-106. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1974 Code, § 8-207)

17-107. 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. (1974 Code, § 8-208)

TITLE 18**WATER AND SEWERS¹****CHAPTER**

1. WATER AND SEWER SYSTEM ADMINISTRATION.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.
5. SEWER USE ORDINANCE.
6. FLUORIDATION.
7. ENFORCEMENT RESPONSE PLAN.

CHAPTER 1**WATER AND SEWER SYSTEM ADMINISTRATION****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.

¹Municipal code references
Refuse disposal: title 17.

- 18-123. Damages to property due to water pressure.
- 18-124. Liability for cutoff failures.
- 18-125. Restricted use of water.
- 18-126. Interruption of service.
- 18-127. Schedule of rates.

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. (1974 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. (1974 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. (1974 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 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 of Watertown to the applicant shall be limited to the return of any deposit made by such applicant. (1974 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. (1974 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. (1974 Code, § 13-106)

18-107. Water and sewer main extensions.¹ 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 superintendent of the sewage plant) two (2) inches in diameter, to supply dwellings only, may be used to supplement

¹Municipal code reference

Construction of building sewers: title 18, chapter 2.

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 of Watertown. 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 municipal 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. (1974 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. (1974 Code, § 13-109)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the City of Watertown.

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. (1974 Code, § 13-110)

18-110. Meter tests. The City of Watertown 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 of Watertown will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

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

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the City of Watertown. (1974 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 of Watertown 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. (1974 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 municipality.

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 ten (10) 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 thirty (30) days after the discount date. The City of Watertown 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 of Watertown 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. (1974 Code, § 13-114)

18-113. Discontinuance or refusal of service. (1) Basis of termination or refusal. 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:

- (a) These rules and regulations.
- (b) The customer's application for service.
- (c) 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. (1974 Code, § 13-115)

18-114. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of fifty dollars

(\$50.00) shall be collected by the municipality before service is restored. (1974 Code, § 13-116, as amended by Ord. #_____, Nov. 1991)

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 of Watertown 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 of Watertown 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. (1974 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. (1974 Code, § 13-118)

18-117. Inspections. The City of Watertown 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. (1974 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 of Watertown. 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 same, the cost of necessary repairs or replacements shall be paid by the customer. (1974 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. (1974 Code, § 13-121)

18-120. Supply and resale of water. All water shall be supplied within the city exclusively by the City of Watertown, 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. (1974 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. (1974 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 of Watertown a written notice of such occurrence. (1974 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. (1974 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 of Watertown'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. (1974 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. (1974 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. (1974 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 adopt by appropriate ordinance or resolution.¹ (1974 Code, § 13-112)

¹Administrative ordinances and resolutions are of record in the office of the city recorder. See also Ord. #561 of record in the office of the city recorder.

CHAPTER 2

SUPPLEMENTARY SEWER REGULATIONS¹

SECTION

- 18-201. Definitions.
- 18-202. Use of public sewers required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Use of the public sewers.
- 18-206. Protection from damage.
- 18-207. Powers and authority of inspectors.
- 18-208. Violations.

18-201. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

¹Municipal code reference

Cross connections: title 18.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

(17) "Shall" is mandatory; "may" is permissive.

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Superintendent" shall mean the superintendent of the sewage works and/or of water pollution control of the city, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1974 Code, § 13-201)

18-202. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Watertown, or in any area under the jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction, any sewage or other polluted waters,

except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) 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.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, 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 ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line. (1974 Code, § 13-202)

18-203. Private sewage disposal. The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1974 Code, § 13-203)

18-204. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) 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 private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (1974 Code, § 13-204)

18-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, or public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred and fifty degrees (150°)F (65°)C.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°)F (0 and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Health, for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharges to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(A) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(B) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(C) Unusual BOD, (above 300 mg/l), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(D) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in the preceding subsection, and which in the judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) in this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and the Tennessee Department of Health, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses

are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (1974 Code, § 13-205)

18-206. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1974 Code, § 13-206)

18-207. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in the preceding subsection, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(8).

(3) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repairing, and maintenance any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1974 Code, § 13-207)

18-208. Violations. (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the city with a written notice

stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in the preceding subsection shall be guilty of a misdemeanor, and on conviction thereof may be fined under the general penalty clause for this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (1974 Code, § 13-208)

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL

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 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. (1974 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. (1974 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. (1974 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. (1974 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. (1974 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. (1974 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. (1974 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. (1974 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. (1974 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. (1974 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. (1974 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, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or

artificial, in any formation which may permit the pollution of ground water. (1974 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. (1974 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. (1974 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. (1974 Code, § 8-315)

CHAPTER 4

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

18-401. Definitions.

18-402. Construction, operation, and supervision.

18-403. Statement required.

18-404. 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 of Watertown for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross-connection." Any physical connection whereby the public water supply is connected, with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1974 Code, § 8-401)

18-402. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the

¹Municipal code references

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

Tennessee Department of Health and the operation of such cross-connection, auxiliary intake, by-pass or interconnection is at all times under the direct supervision of the superintendent of the waterworks of this municipality. (1974 Code, § 8-402)

18-403. 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, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the waterworks. (1974 Code, § 8-403)

18-404. Violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the waterworks. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the waterworks shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1974 Code, § 8-404)

CHAPTER 5

SEWER USE ORDINANCE

SECTION

- 18-501. Purpose and policy.
- 18-502. Definitions.
- 18-503. Connection to public sewers.
- 18-504. Private domestic wastewater disposal.
- 18-505. Regulation of holding tank waste disposal.
- 18-506. Application for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-507. Discharge regulations.
- 18-508. Industrial user monitoring, inspection reports, records access, and safety.
- 18-509. Enforcement and abatement.
- 18-510. Penalties; costs.
- 18-511. Fees and billing.
- 18-512. Validity.

18-501. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Watertown, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the system discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the city to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal, state laws and regulations;
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the city of must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The

chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

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 municipal wastewater treatment system. Except as otherwise provided herein, the water and sewer superintendent of the city shall administer, implement, and enforce the provisions of this chapter. (Ord. #_____, May 1989)

18-502. 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, also known as the Clean Water Act, as amended 33 U.S.C. 1251, *et seq.*

(2) "Approval authority." The director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

(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;

(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 indirect discharge originates.

(4) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) "Building sewer." A sewer conveying wastewater from the premises of a User to the POTW.

(6) "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard.

(7) "City." The City of Watertown or the Board of Mayor and Aldermen, City of Watertown, Tennessee.

(8) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater

treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(9) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(10) "Control authority." The term "control authority" shall refer to the "Approval authority," defined hereinabove; or the board of mayor and aldermen if the city has an approved Pretreatment Program under the provisions of 40 CFR 403.11.

(11) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(12) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(13) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.

(14) "Environmental Protection Agency, or EPA." The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(15) "Garbage." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(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) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(19) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(20) "Industrial user." A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

(21) "Interference." The inhibition or disruption of the municipal wastewater processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act,

(33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(22) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(23) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(24) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(25) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(26) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(27) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(28) "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 discharge into water.

(29) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except as prohibited by 40 CFR Section 40.36(d).

(30) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(31) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city users of the city's POTW.

(32) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(33) "Shall" is mandatory; "May" is permissive.

(34) "Slug." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(35) "State." The State of Tennessee.

(36) "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

(38) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(39) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(40) "Superintendent." The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(41) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(42) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a 24-hour period

in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(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, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(45) "Wastewater treatment systems." Defined the same as POTW.

(46) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof. (Ord. #____, May 1989)

18-503. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) 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.

(b) 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.

(c) Except as herein 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.

(d) Except as provided in § 18-503(1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the chapter, within forty-five (45) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the building drain as defined herein.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-503(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-204 of this chapter.

(2) Physical connection public sewer. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first obtaining a written permit from the superintendent as required by § 18-506 of this chapter.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this chapter. All others may be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be four (4) inches.

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Four 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 2.0 feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of

(A) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(B) Cast iron soil pipe with leaded or compression joints;

(C) Polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(D) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(E) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(vi) A cleanout shall be located five (5) feet outside of the building, one as it tops on to the utility lateral 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 (75) 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 "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches.

(vii) Connections of building sewers to the public sewer system shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a pump and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Environment Federation Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

(b) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the city. (Ord. #____, May 1989)

18-504. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-503(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-503, the owner shall provide a private sewage pumping station as provided in § 18-203(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface

soil absorption facilities where the area of the lot is less than that specified by the state and the Wilson County Health Department.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the state and the county health department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the state and the county health department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the state and the county health department. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the state and the county health department when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the state and the county health department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee, and the county health department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the state and the county health department. (Ord. _____, May 1989)

18-505. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter an annual service charge therefore shall be paid to the city to be set as specified in § 18-511. Any such permit granted shall be for one fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be

nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the city. (Ord. #____, May 1989)

18-506. Application for domestic wastewater discharge and industrial wastewater discharge permits. (1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-501 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within a reasonable period of time.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW within 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent, an application on a prescribed form accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 60 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations -- daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the superintendent.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-507 of this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and

acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on the average and maximum rate and time of discharge or requirements and equalization;

(iv) Requirements for installation and maintenance of inspections and sampling facilities;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports or discharge reports;

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(ix) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

- (x) Requirements for notification of slug discharged;
- (xi) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-506(2)(b)(ii) and (iii). The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 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.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of the chapter is subject to be modified suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- (i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.
- (ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
- (iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (Ord. #____, May 1989)

18-507. Discharge 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 and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the

wastewater treatment facilities but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, 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 from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans 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, hazard to life, are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substances which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104° F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

(l) Any waters containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty degrees (150°) F (0 and 65° C).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health, to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - User Discharge Restrictions

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	4.0	7.0
Copper	3.0	5.0
Cyanide	1.0	2.0
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Pesticides & Herbicides	0.5	1.0
Phenols	10.0	15.0
Selenium	1.0	1.5
Silver	1.0	1.5
Surfactants, as MBAS	25.0	50.0
Zinc	3.0	5.0

*Based on 24-hour flow proportional composite samples.

(3) Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B-Plant Protection Criteria

Parameter	Maximum Concentration (mg/l) (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) Grab Sample
Aluminum		
dissolved (AL)	3.00	6.0
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	0.12
Barium (Ba)	2.50	5.0
Boron	0.4	0.8
Cadmium (Cd)	0.004	0.008
Chromium Hex	0.06	0.12
Cobalt	0.03	0.06
Copper (Cu)	0.16	0.32
Cyanide (CN)	0.03	0.06
Fluoride (F)	0.6	1.2
Iron (Fe)	3.0	6.0
Lead (Pb)	0.10	0.2
Manganese (Mn)	0.1	0.2
Mercury (Hg)	0.025	0.05
Nickel (Ni)	0.15	0.30
Pesticides & Herbicides	0.001	0.002
Phenols	1.00	2.0
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.1
Sulfide	25.0	40.0
Zinc (Zn)	0.3	0.6
Total Kjeldahl		
Nitrogen (TKN)	45.00	90.00
Oil & Grease	50.00	100.00
MBAS	5.00	10.0
BOD	*	
COD	*	
Suspended Solids	*	

*Not to exceed the design capacity of treatment works.
BDL = Below Detectable Limits.

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and/or the United States Environmental Protection Agency.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(7) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-507(1) and 18-507(2) of this chapter. Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the city.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

- (i) Interfere with the normal collection and operation of the wastewater treatment system.
- (ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.
- (iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its inforce federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the city upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the city at its next regularly scheduled meeting.

(d) Review of application by the city. The city shall review and evaluate all applications for exceptions and shall take into account the following factors:

- (i) Whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in Section VII and grant an exception only if

such exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitation of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception.

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(8) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or designated official) in person, by the telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the 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 state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. #____, May 1989)

18-508. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. A monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user,

allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent, an existing notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the superintendent.

(2) Inspection and sampling. The city shall inspect the facilities of any User to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within 180 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized

representative of the industrial user, and certified to by a professional engineer registered to practice engineering in Tennessee.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the superintendent of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part and amendments thereto. Sampling shall be performed in accordance with techniques approved by the administrator.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records

of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water Quality Control, Tennessee Department of Health or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (Ord. #_____, May 1989)

18-509. Enforcement and abatement. (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply immediately;
- (b) Comply in accordance with a time schedule set forth by the superintendent;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender the applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the User from any consequences of a wrongful or illegal discharge.

(2) Submission of time schedule. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within 30 days of the issuance of the cease and desist order.

(3) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The board of mayor and aldermen may itself conduct the hearing and take the evidence, or designate any of its members or any officer or employee of the water and sewer department to:

(i) Issue in the name of the board of mayor and aldermen notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the board of mayor and aldermen has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

(5) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the superintendent or in his absence the person then in charge of the

treatment works shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the city or in their absence such elected officials of the city as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected.

(6) Public nuisance. Discharges or wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the city code or ordinances governing such nuisance.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating this chapter or the owner or tenant of the property upon which the violation occurs, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The city shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (Ord. #____, May 1989)

18-510. Penalties; costs. (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than

fifty and 00/100 dollars (\$50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense.

(2) Costs recoverable. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, engineering 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.

(3) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both. (Ord. # _____, May 1989)

18-511. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and
- (g) Other fees as the city may deem necessary to carry out the

requirements of this chapter.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-506 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the board of mayor and aldermen.

(5) Sewer user charges. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or

categories depending upon the users contribution of wastewater loads; each class user being identified as follows:

(i) Class I: Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(ii) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(b) Determination of costs. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

(i) All users who fall under Class I shall pay a single unit charge expressed as dollars per 1,000 gallons of water purchased (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where;

C_i = the Class I total unit cost in \$1,000 gallons

T.S.C.= the total operation and maintenance, administration, and debt service determined by yearly budget projections.

V_t = the total volume of wastewater contribution from all users per year as determined from projections from one city fiscal year to the next.

(ii) All users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(iii) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e. filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(iv) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in § 18-511(4) above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where;

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

B_u = Total BOD contribution for a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time.

(6) Surcharge fees. If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge.

(7) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-506 of this chapter.

(8) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(9) Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the city, subject to net and gross rates. (Ord. #____, May 1989)

18-512. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city. (Ord. #____, May 1989)

CHAPTER 6**FLUORIDATION****SECTION**

18-601. Fluoridation of water supply.

18-602. Cost of fluoridation.

18-601. Fluoridation of water supply. The water department of the City of Watertown, Tennessee, is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of Watertown, Tennessee: to submit such plans to the Department of Public Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply. (Ord. #____, July 1974)

18-602. Cost of fluoridation. That the cost of such fluoridation will be borne by the revenue of the Water Department of the City of Watertown, Tennessee. (Ord. #____, July 1974)

CHAPTER 7

ENFORCEMENT RESPONSE PLAN

SECTION

- 18-701. Introduction.
- 18-702. Description of terms.
- 18-703. Provisions for enforcement.
- 18-704. Enforcement response guide.
- 18-705. Enforcement responses.

18-701. Introduction. Definition: An Enforcement Response Plan (ERP) is a document that contains detailed procedures on how a Public Owned Treatment Works (POTW) investigates and responds to instances of Industrial User (IU) noncompliance.

This document describes the process for obtaining and evaluating information on industrial user compliance: identifying noncompliance; selecting an appropriate enforcement action; and resolving noncompliance in a timely, fair, and consistent manner. (Ord. #____, Feb. 1999)

18-702. Description of terms. (1) "Administrative action" (a fine or order). An enforcement action authorized by the control authority's legal authority which is taken without the involvement of a court.

(2) "Administrative fine." A punitive monetary charge unrelated to actual treatment costs, which is assessed by the control authority rather than a court.

(3) "Administrative order." A document which orders the violator to perform a specific act or refrain from an act.

(4) "AO." Administrative order.

(5) "Cease and desist order." An administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

(6) "Civil litigation." Civil litigation against the industrial user seeking equitable relief, monetary penalties and actual damages.

(7) "Compliance order." An administrative order directing a noncompliant industry to achieve compliance by a date specified in the order.

(8) "Consent order." An administrative order embodying a legally enforceable agreement between the control authority and the noncompliant industrial user designed to restore the user to compliant status.

(9) "Criminal prosecution." Pursuing punitive measures against the individual and/or organization through a court of law.

(10) "Control authority." The entity directly administering and enforcing pretreatment standards and requirement against industrial users.

(11) "Fine." Monetary penalty assessed by control authority officials.

(12) "I." Inspector.

- (13) "IU." Industrial user.
- (14) "Legal authority." The source of a control authority's jurisdiction and regulatory powers.
- (15) "Meeting." Informal compliance meeting with IU to resolve recurring noncompliance.
- (16) "NOV" Notice of Violation. A control authority document notifying an industrial user that it has violated pretreatment standards and requirements.
- (17) "NPDES" (National Pollutant Discharge Elimination System). A permit system for the direct discharge of pollutants into U.S. waterways.
- (18) "POTW." Publicly Owned Treatment Works.
- (19) "PC." Pretreatment Coordinator.
- (20) "S." Superintendent appointed by the city council.
- (21) "Show cause order." Formal meeting requiring the IU to appear and demonstrate why the control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective action and compliance schedules.
- (22) "SNC." Significant noncompliance.
 - (a) Violations of wastewater discharge limits.
 - (i) Chronic violations. 66% or more of the measurements exceed the same daily maximum limit or the same average limit in a 6 month period. (Any Magnitude of Exceedance).
 - (ii) Technical Review Criteria (TRC) Violations. 33% or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a 6 month period.
 - (iii) Any other violation or violations of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference (e.g. Slug Loads) or pass-through, or endangered the health of sewage treatment personnel or the public.
 - (iv) Any discharge of pollutants which has caused imminent endangerment to human health/welfare or to the environment and resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
 - (b) Violations of compliance schedule milestones, contained in local control mechanism or enforcement order, for starting construction, completion 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 categorical standards (baseline monitoring reports, 90 day compliance reports, and periodic reports) within 30 days from the due date.
 - (d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations which the control authority considers to be significant.

(23) "Termination of service." A physical blockage of the sewer connection to a noncompliant user or issuance of a formal notice of termination to the industrial user. (Ord. #____, Feb. 1999)

18-703. Provisions for enforcement. (1) Administrative enforcement remedies.

(a) Notification of violation. Whenever the superintendent finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, or any other pretreatment requirement, the superintendent or his agent may serve upon said user written 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 superintendent. Submission of this plan in no way relieves the user of liability for any violation occurring before or after the receipt of the notice of violation.

(b) Consent orders. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user for noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders.

(c) Show cause hearing. The superintendent may order any industrial user, which causes or contributes to violation to this chapter or wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why the 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 principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the superintendent finds than an industrial user has violated or continues to violate the ordinance or a permit or order issued thereunder, or any other pretreatment standard or requirement, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer

service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain 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.

(e) Cease and desist orders. When the superintendent finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, or the user's past violations are likely to reoccur, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith.

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, or any other pretreatment standard or requirement, shall be fined in an amount not to exceed one thousand dollars (\$1000.00) 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 superintendent shall have such collection remedies as he has to available collect other service charges. Unpaid charges, fines, and penalties shall constitute the individual user's property. Industrial users desiring to dispute such fines must file a request for the superintendent to reconsider the fine within 10 days of being notified of the fine. Where the superintendent believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the industrial user.

(g) Emergency suspensions. (i) The superintendent may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(ii) Any user notified of a suspension of the wastewater treatment service and/or the wastewater 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 superintendent 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 superintendent shall allow the user to recommence its discharge when the endangerment has passed.

(iii) An industrial user that 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 superintendent.

(h) Termination of discharge. Significant industrial users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the control authority. Any user who violates the following conditions of this chapter or a wastewater discharge permit order, or any applicable state or federal law, is subject to discharge termination:

(i) Violation of permit conditions.

(ii) Failure to accurately report the wastewater volume, constituents, and characteristics prior to discharge.

(iii) Failure to report significant changes in operation or wastewater volume constituents and characteristics, prior to discharge.

(iv) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

(v) Violation of the pretreatment standards set forth in the city's sewer use ordinance.

Noncompliant industrial users will be notified of the proposed termination of their discharge and offered an opportunity to show cause under § 18-703(1)(c) of this chapter why the proposed action should not be taken.

(2) Judicial remedies. If any person discharges sewage, industrial waste, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the superintendent, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Civil Court of Wilson County.

(a) Injunctive relief. Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the superintendent, 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 industrial user. The superintendent shall have such remedies to collect these fees, as it has available to collect other sewer service charges.

(b) Civil penalty. (i) Any industrial user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the superintendent for a civil penalty

of not more than (maximum allowable under state law, e.g. \$10,000 but not less than \$50, state law permitting) 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, the superintendent may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(ii) The superintendent 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, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(c) Criminal prosecution. (i) Violations--general.

(A) Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than one year or both.

(B) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than 3 years or both.

(ii) Falsifying information. (A) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation per day or imprisonment for not more than one year or both.

(B) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than 3 years or both.

(3) Supplemental enforcement remedies. (a) Annual publication of significant violations. The superintendent shall publish, at least annually in the largest daily newspaper circulated in the service area, a

description of those industrial users, which are found to be in specific violation, as defined in § 18-703 of this chapter, with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication.

(b) Termination of permit. Significant industrial users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the control authority. Any user who violates the following conditions of this chapter or a 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 user's premises for the purpose of inspection, monitoring, or sampling.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under § 18-701(1)(c) of this chapter why the proposed action should not be taken.

(4) Affirmative defenses. (a) Treatment upsets.

(i) Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the superintendent thereof immediately upon becoming aware of the upset. Where such information is given orally, the user thereof shall file a written report within five days. The report shall contain:

(A) A description of the upset, its cause(s), and impact on the discharge'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) An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the superintendent for any noncompliance with this chapter, or an order or permit issued hereunder by the user, which arises out of

violations attributable to and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment bypasses. (i) A bypass of the treatment 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 treatment or retention of the wastewater; and

(C) The industrial user properly notified the superintendent as described in paragraph (ii) below.

(ii) Industrial users must provide immediate notice to the superintendent upon discovery of an unanticipated bypass. If necessary, the superintendent may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and steps being taken to prevent its recurrence.

(iii) An 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 treatment system. Industrial users anticipating a bypass must submit notice to the superintendent at least 10 days in advance. The superintendent may only approve the anticipated bypass if the circumstances satisfy those set forth in paragraph (i) above. (Ord. # _____, Feb. 1999)

18-704. Enforcement response guide.

	Nature of Violation	Enforcement Response	Personnel
(1)	<u>Unauthorized discharges</u> (no permit).		
(a)	Unpermitted discharge.		
(i)	IU unaware of requirement; no harm to POTW/environment	Phone call; NOV with application form	PC
(ii)	IU unaware of requirement; harm to POTW	AO with fine Civil Action	PC S
(iii)	Failure to apply continues after notice by POTW	Civil action Criminal investigation Terminate service	S S S
(b)	Nonpermitted discharge.		

	Nature of Violation	Enforcement Response	Personnel
	IU has not submitted application within 10 days of due date	Phone call; NOV	PC
(2)	<u>Discharge limit violation.</u>		
(a)	<u>Exceedance of local or federal standard (permit limit).</u>		
(i)	Isolated not significant	Phone call; NOV	I, PC
(ii)	Isolated, significant (no harm)	AO to develop spill prevention plan and fine	PC
(iii)	Isolated, harm to POTW	Show cause order Civil action	PC, S S
(iv)	Recurring, no harm to POTW or Environment	AO with fine	PC
(v)	Recurring; significant (harm)	AO with fine Show cause order Civil action Terminate service	PC PC, S S S
(3)	<u>Monitoring and reporting violations.</u>		
(a)	Reporting violation.		
(i)	Report is improperly signed or certified	Phone call or NOV	PC
(ii)	Report is improperly signed or certified after notice by POTW	AO Show cause order	PC PC, S
(iii)	Isolated, not significant (e.g. 5 days late)	Phone call; NOV	I, PC
(iv)	Significant (e.g. report 30 days or more)	AO to submit with fine per additional day	PC
(v)	Reports are always late or no reports at all	AO with fine Show cause order Civil action	PC PC, S S
(vi)	Failure to report spill or changed discharge (no harm)	NOV	PC

	Nature of Violation	Enforcement Response	Personnel
(vii)	Failure to report spill or changed discharge (results in harm)	AO with fine Civil action	PC S
(viii)	Repeated failure to report spills	Show cause order Terminate service	PC, S S
(ix)	Falsification	Criminal investigation Terminate service	S S
(b)	<u>Failure to monitor correctly.</u>		
(i)	Failure to monitor all pollutants as required by permit	NOV or AO	PC
(ii)	Recurring failure to monitor correctly	AO with fine Civil action	PC S
(c)	<u>Improper sampling.</u>		
	Evidence of intent	Criminal investigation Terminate service	S S
(d)	<u>Failure to install monitoring equipment.</u>		
(i)	Delay of less than 30 days	NOV	PC
(ii)	Delay of 30 days or more	AO to install with fine for each additional day	PC
(iii)	Recurring, violation of AO	Civil action Criminal investigation Terminate service	PC S S
(e)	<u>Compliance schedules. (in permit)</u>		
(i)	Missed milestones by less than 30 days, or will not affect final milestone	NOV or AO with fine	PC
(ii)	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO with fine	PC
(iii)	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	Show cause order Civil action Terminate service	PC, S S S

	Nature of Violation	Enforcement Response	Personnel
(iv)	Recurring violation or violation of schedule in AO	Civil action Criminal investigation Terminate service	S S S
(4)	<u>Other permit violations.</u>		
(a)	<u>Waste streams are diluted in lieu of treatment.</u>		
(i)	Initial violation	AO with fine	PC
(ii)	Recurring	Show cause order Terminate service	PC, S S
(iii)	Does not result in harm	NOV	PC
(iv)	Does result in harm	AO with fine Civil action with fine	PC S
(b)	<u>Nature of violation enforcement response personnel.</u>		
(i)	Does not result in harm	NOV	PC
(ii)	Does result in harm	AO with fine Civil action	PC S
(c)	<u>Failure to properly operate and maintain pretreatment facility.</u>		
	See section (b) above.		
(5)	<u>Violations detected during site visits.</u>		
(a)	<u>Entry denial.</u>		
	Entry denied or consent withdrawn Copies of records denied	Obtain warrant and return to IU	I
(b)	<u>Illegal discharge during site visits.</u>		
(i)	No harm to POTW or environment	AO with fine	PC
(ii)	Discharges causes harm or evidence of intent/negligence	Civil action Criminal investigation	S S
(iii)	Recurring, violation of AO	Terminate service	S
(c)	<u>Improper sampling.</u>		
(i)	Unintentional sampling at incorrect location	NOV	I, PC

	Nature of Violation	Enforcement Response	Personnel
(ii)	Unintentionally using incorrect sample type	NOV	I, PC
(iii)	Unintentionally using incorrect sample collection techniques	NOV	I, PC
(d)	<u>Inadequate recordkeeping.</u>		
(i)	Inspector finds files incomplete to missing (no evidence of intent)	NOV	I, PC
(ii)	Recurring	AO with fine	PC
(e)	<u>Failure to report additional monitoring.</u>		
(i)	Inspection finds additional files	NOV	I, PC
(ii)	Recurring	AO with fine	PC

(6) Timeframes for responses. (a) All violations will be identified and documented within five days of receiving compliance information.

(b) Initial enforcement responses [involving contact with industrial user and requesting information on corrective or preventive action(s)] will occur within 15 days of violation.

(c) Follow-up actions for continuing or recurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

(d) Violations, which threaten health, property or environmental quality, are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

(e) All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance. (Ord. # ____, Feb. 1999)

18-705. Enforcement responses. (1) (a) Notice of violation.

EXAMPLE NOV
DIVISION OF WATER AND WASTE WATER SERVICES
CITY OF WATERTOWN

IN THE MATTER OF

NAME OF INDUSTRY
ADDRESS

NOTICE OF VIOLATION

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Superintendent of Wastewater Services, under section _____ of the City's Sewer Use Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section _____ of the City's Sewer Use Ordinance.

FINDINGS

- (1) The City of Watertown is charged with construction, maintenance, and control of the sewer system and treatment works.
- (2) To protect the sewer system and treatment works the City of Watertown administers a pretreatment program.
- (3) Under this pretreatment program the (Name of Industry) was issued a discharge permit.
- (4) The discharge permit issued to the City of Watertown contained numerical limits on the quantity of pollutants which (Name of Industry) could discharge and self-monitoring requirements.
- (5) On (Date) pollutant analysis revealed that the quantity of (Pollutant) exceeded the permit limitation.

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS (Name of Industry) IS HEREBY NOTIFIED THAT:

- (1) It is in violation of its discharge permit and the sewer use ordinance of the City of Watertown.

Signed: _____
 Marvin S. Smith
 Superintendent of Sewer Department
 209 Public Sq.
 Watertown, TN 37184

- (b) Cease and desist order.

EXAMPLE CEASE AND DESIST ORDER
 DIVISION OF WATER AND WASTEWATER SERVICES
 CITY OF WATERTOWN

IN THE MATTER OF

NAME OF INDUSTRY CEASE AND DESIST ORDER
ADDRESS

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the Superintendent of Wastewater Services under Section ____ of the City's Sewer Use Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section ____ of the City's Sewer Use Ordinance.

FINDINGS

(1) (Industry) discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of Watertown.

(2) (Industry) is a "significant industrial user" as defined by Section ____ of the City's Sewer Use Ordinance.

(3) (Industry) was issued a wastewater discharge permit on (Date) which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.

(4) Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of (Industry).

(5) This data shows that (Industry) has violated the Sewer Use Ordinance in the following manner:

(a) (Industry) has continuously violated its permit limits for (parameter) in each sample collected between (Date) and (Date).

(b) (Industry) has also failed to comply with an administrative compliance order requiring the installation of a pretreatment system and the achievement of compliance with its permit by (Date).

(c) (Industry) has failed to appear at a show cause hearing pursuant to an order requiring said attendance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS (Industry) IS HEREBY ORDERED TO:

(1) Within 24 hours of receiving this order, cease all discharges into the City's sanitary sewer. Such discharges shall not recommence until such time as (Industry) is able to demonstrate that it will comply with its current permit limits.

(2) Failure to comply with this order may subject (Industry) to having its connection to the sanitary sewer sealed by the City, and assessed costs thereof.

(3) Failure to comply with this order shall also constitute a further violation of the sewer use ordinance and may subject (Industry) to civil or criminal penalties or other such enforcement response as may be appropriate.

(4) This order, entered this (Date), shall be effective upon receipt by (Industry).

Signed: _____
Marvin S. Smith
Superintendent of Sewer Department
209 Public Square
Watertown, TN 37184

(c) Show cause order.

EXAMPLE SHOW CAUSE ORDER
DIVISION OF WATER AND WASTEWATER SERVICES
CITY OF WATERTOWN

IN THE MATTER OF

NAME OF INDUSTRY ADMINISTRATOR
ADDRESS SHOW CAUSE ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the Superintendent of Wastewater Services, under Section ____ of the City's Sewer Use Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section ____ of the City's Sewer Use Ordinance.

FINDINGS

(1) (Industry) discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of Watertown (hereafter "City").

(2) (Industry) is a "significant industrial user" as defined by Section ____ of the City's Sewer Use Ordinance.

(3) (Industry) was issued a wastewater discharge permit on (Date) which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.

(4) Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of (Industry).

(5) This data shows that (Industry) has violated its wastewater discharge permit in the following manner:

(a) (Industry) has violated its permit limits for (Parameter) in each sample collected between (Date) and (Date) for a total of ____ separate violations of the permit.

(Industry) has failed to submit a periodic compliance report due (Date)

(b) All of these violations satisfy the City's definition of significant violation.

ORDER

THEREFORE, BASED ON THE FINDINGS, (Industry) IS HEREBY ORDERED TO:

- (1) Appear at a meeting with the Superintendent of Sewer Services to be held on (Date, Time, and Place).
- (2) At this meeting, (Industry) must demonstrate why the City should not pursue a judicial enforcement action against (Industry) at this time.
- (3) This meeting will be closed to the public.
- (4) Representatives of (Industry) may be accompanied by legal counsel if they so choose.
- (5) Failure to comply with this order shall also constitute a further violation of the Sewer Use Ordinance and may subject (Industry) to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
- (6) This order, entered this (Date), shall be effective upon receipt by (Industry).

Signed: _____
 Marvin S. Smith
 Superintendent of Sewer Department
 209 Public Square
 Watertown, TN 37184

(d) Compliance order.

EXAMPLE COMPLIANCE ORDER
 DIVISION OF WATER AND WASTEWATER SERVICES
 CITY OF WATERTOWN

IN THE MATTER OF

NAME OF INDUSTRY ADMINISTRATIVE
 ADDRESS COMPLIANCE ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the Superintendent of Wastewater Services, under Section ____ of the City's Sewer Use Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section ____ of the City's Sewer Use Ordinance.

FINDINGS

(1) (Industry) discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of Watertown (Hereafter) City.

(2) (Industry) is a "significant industrial user" as defined by Section ____ of the City's Sewer Use Ordinance.

(3) (Industry) was issued a wastewater discharge permit on (Date), which contains prohibitions, restrictions, and other limitations, on the quality of the wastewater it discharges to the sanitary sewer.

(4) Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of (Industry).

(5) This data shows that (Industry) has violated its wastewater discharge permit in the following manner:

(a) (Industry) has violated its permit limits for (Parameter) in each sample collected between (Date) and (Date) for a total of ____ separate violations of the permit.

(b) (Industry) has failed to submit all periodic compliance reports due since (Date).

(c) All of these violations satisfy the City's definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS (Industry) IS HEREBY ORDERED TO:

(1) Within 180 days, install pretreatment technology, which will adequately treat (Industry)'s wastewater to a level, which will comply, with its wastewater permit.

(2) Within 5 days, submit all periodic compliance reports due since (Date).

(3) Within ten days pay, to City Hall, a fine of (Amount) for the above-described violations in accordance with Section ____ of the Sewer Use Ordinance.

(4) Report, on a monthly basis, the wastewater quality and the corresponding flow and production information as described on page ____ of the wastewater discharge permit for a period of one year from the effective date of this order.

(5) All reports and notices required by this order shall sent, in writing, to the following address:

Pretreatment Coordinator
209 Public Square
Watertown, TN 37184

(6) This order does not constitute a waiver of the wastewater discharge permit which remains in full force and effect. The City of Watertown reserves the right to seek any and all remedies available to it under Section ____ of the Sewer Use Ordinance for any violation cited by this order.

(7) Failure to comply with the requirements of this order shall constitute a further violation of the Sewer Use Ordinance and may subject (Industry) to civil or criminal penalties or such other appropriate responses as may be appropriate.

(8) This order, entered this (Date), shall be effective upon receipt by (Industry).

Signed: _____
Marvin S. Smith
Superintendent of Sewer Department
209 Public Square
Watertown, TN 37184

(2) Termination of sewer service.

(a) When to terminate service. Assuming other enforcement responses are unsuccessful, the types of violations warranting termination of service are:

(i) Unpermitted discharge(s) which violate the POTW's NPDES permit or which create a dangerous situation threatening human health, the environment, or the treatment plant.

(ii) Discharge(s) that exceed local or categorical discharge limits and result in damage to the environment.

(iii) Slug loads causing interference, pass-through, or damage to human health, the environment, or the treatment plant.

(iv) Failure of the industry user to notify the Control Authority of effluent limit violations or slug discharge, which result in environmental, or POTW damage.

(v) Complete failure of the industry user to sample, monitor, or report as required by an AO.

(vi) Failure of the industrial user to install required monitoring equipment per the condition of an AO.

(vii) Major violation of a permit condition or AO accompanied by evidence of negligence or intent.

(b) Example suspension order.

CITY OF WATERTOWN
SUSPENSION OF WASTEWATER SERVICE

Superintendent of Sewer Department
Phone 615-237-3326
209 Public Square
Watertown, TN 37184

Date of Notice _____

Business of Individual: _____

Address: _____

Person Contacted/Title: _____

City Code Section Violation: _____

Results of Analysis: _____

Due to the serious nature of your violation, the City of Watertown is ordering you to immediately stop the discharge of the effluent (in violation), and to eliminate any further industrial discharging by (Time and Date). _____

In the event of your failure to voluntarily comply with this suspension order, the City shall take such steps as deemed necessary including, not limited to, immediate severance of your sewer connection to prevent or minimize damage to our POTW system or endangerment to any individual or the environment.

Signature of person contacted

Refused to sign ____

Signature of City Representative

(Ord. #_____, Feb. 1999)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the municipality and its inhabitants under such franchise as the city council shall grant.¹ 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. (1974 Code, § 13-301)

¹The agreements are of record in the office of the city recorder.

CHAPTER 2**GAS****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.¹

¹See Ord. #_____, June 1988, of record in the office of the city recorder, granting a franchise for gas service to the Middle Tennessee Utility District of Cannon, Cumberland, DeKalb, Putnam, Rhea, Rutherford, Smith, Warren, White, and Wilson Counties.

TITLE 20

MISCELLANEOUS

RESERVED FOR FUTURE USE

MINUTES OF THE BOARD OF MAYOR AND ALDERPERSONS
OF THE CITY OF WATERTOWN, WILSON COUNTY, TN

JUNE 27, 2000

The Board of Mayor and Alderpersons of the City of Watertown, Wilson County, Tennessee met in regular session at 8:30 P.M. on June 27, 2000 at the Watertown Community Center.

Alderpersons Present: Brent Bain, Howell Roberts, Jan Jewell, Sharon McComb, Charles Robertson, Gary Eakes and Mayor Mike Jennings.

Mayor Mike Jennings called the meeting to order.

Motion made by Sharon McComb and proper second by Howell Roberts to approve the minutes of May 9, 2000 as printed. Motion carries.

Motion made by Jan Jewell and proper second by Howell Roberts to approve the minutes of May 30, 2000 as printed. Motion carries.

Mayor Mike Jennings stated that Richard Woodard with Lebanon Distributing was present concerning buying some acreage in the Industrial Park. He would like to buy 5 acres at \$15,000.00 per acre with the option on buying 5 additional acres at \$15,000.00 per acre. Mr. Woodard will put up \$10,000.00 to hold the additional acres for the next 3 years and if Mr. Woodard buys the additional 5 acres the \$10,000.00 would come off of the cost and if he decides not to purchase the land the City would keep the \$10,000.00. The City would take care of the survey and the closing.

Motion made by Brent Bain and proper second by Jan Jewell to enter into the contract with Mr. Woodard. Motion carried unanimously.
Bob Lee will prepare the contract.

Mayor Mike Jennings has contacted several local surveyors to survey the property in the Industrial Park but haven't heard anything from them. Mr. Woodard had gave Mike the contact name of Cumberland Surveying out of Gordonsville which could do the survey within a week. The estimated cost would be \$800.00 to \$1000.00.

Motion made by Sharon McComb and proper second by Brent Bain to authorize Mayor Jennings to have the survey done and Mayor Jennings will try to get other bids. Motion carried unanimously.

Motion made by Brent Bain and proper second by Jan Jewell to authorize John Smith to do the engineering work for the project of the expansion of the water lines in the Industrial Park.

Motion made by Brent Bain and proper second by Jan Jewell for John Smith to prepare the specs and take care of the bidding process. Motion carried unanimously.

PUBLIC

Johnnie Ruth Hubbard was present concerning she was having a problem with neighbors dumping trash on her property. This property has high grass and trash piled up everywhere. Since this property is rental property Bob Lee will send a letter to the owner to notify them of the violation.

Mayor Mike Jennings had talked with Mr. Larry Keller and there is a good possibility that we could be getting a part-time doctor at the Community Center building. Mayor Jennings will bring back further information to the Council when he finds out more information.

Mayor Mike Jennings stated that a Public Hearing had been held at 8:00 on the updated Watertown Municipal Code and a second reading needs to be passed. There are two or three things that need to be changed or amended. Attorney Bob Lee stated the first one is the firework ordinance (7-401), the final amended ordinance never was drafted. Bob had prepared the corrected copy and we will insert the correct one. The second one is section 8-102 which is the blue laws which stated a business could not open on Sundays this needs to be pulled out of the book. The third one is section 15-111 which states a train can not block an intersection no more than 5 minutes at a time this needs to be changed to state 20 minutes. Bob Lee recommended to adopt the updated Municipal Code Book. Motion made by Brent Bain and proper second by Sharon McComb to adopt the Municipal Code Book with the changes on second reading. Motion carried unanimously.

Mayor Mike Jennings stated that a continuation budget needs to be passed on second reading and that we should be able to start working on the new budget in the next few days. Motion made by Sharon McComb and proper second by Charles Robertson to pass on second reading the continuation budget. Motion carried unanimously.

Mayor Mike Jennings stated that John Smith would be coming within the next month to look at the problem on Central Avenue concerning the run off when there is heavy rainfall. John will get back with the Council with his opinion and recommendations within the next 30 days on what needs to be done.

Mayor Mike Jennings stated that the problem that the residents on Euclid Avenue was having with a new street light was a 250 watt bulb was installed to begin with and then it was changed to a 100 watt bulb. Normally a 250 watt bulb is installed at a intersection and a 100 watt bulb is used on the others. Mayor Jennings asked the Council for any suggestions or recommendations. After discussion it was decided to ask MTEMCO to try installing the light on a longer arm.

Mayor Mike Jennings stated that Buddy Dicus has requested to do the audit services for the City for a cost of \$5500.00. Motion made by Brent Bain and proper second by Charles Robertson to approve the audit contract for Buddy Dicus to do the audit for the period of 7-99-8-00. Motion carried unanimously.

Mayor Mike Jennings stated that there was a accident several weeks ago at the Fire Hall. This was reported to the insurance company and the City was told to go ahead and have the building repaired.