

**THE
WHITE PINE
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

April 1998

Change 15
November 7, 2023

TOWN OF WHITE PINE, TENNESSEE

MAYOR

Fred Taylor

ALDERMEN

Tyler Marshall
Josh Sinard
Ann Strom
Jarrad Stump
Whitney Woods

CITY RECORDER

Alyson Susong

PREFACE

The White Pine Municipal Code contains the codification and revision of the ordinances of the City of White Pine, 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 reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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

The able assistance of Sandy Selvage, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Tracy G. Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
CITY CHARTER¹**

¹The charter of the Town of White Pine contains no provisions on the ordinance adoption procedures.

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

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

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the first Tuesday of each month at the Community Building. (1978 Code, § 1-101)

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

- (1) The meeting will be called to order by the mayor.
- (2) The roll will be called by the recorder.
- (3) The minutes of the previous meeting will be read by the recorder and approved or corrected by the board.
- (4) The board will hear communications from the mayor.

¹Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Elections: § 5.

Powers and duties: § 8.

- (5) The board will hear reports from committees, aldermen, and other officers.
- (6) The board will dispose of old business.
- (7) The board will consider new business.
- (8) The board will hear grievances from citizens.
- (9) The meeting will be adjourned. (1978 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1978 Code, § 1-103, modified)

1-104. Compensation of aldermen. Aldermen shall be compensated at one hundred fifty dollars (\$150) per month, if present at the regular scheduled city council meeting. (Ord. #1-96, May 1996, as amended by Ord. #6-98, Dec. 1998)

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-203. Mutual aid agreements.

1-204. Compensation of mayor.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all the affairs of the town and may require such reports from the various officers and employees of the town as he may reasonably deem necessary to carry out his executive responsibilities. (1978 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1978 Code, § 1-202)

1-203. Mutual aid agreements. The mayor shall have the authority to negotiate and enter into mutual aid agreements for the benefit and good of the town, according to the terms of Tennessee Code Annotated, § 12-9-101 et seq. However, any mutual aid agreement negotiated by the mayor shall have the prior approval of the board of mayor and aldermen before it is executed by the mayor.

Any mutual aid agreement not receiving the prior approval of the board of mayor and aldermen before it is executed by the mayor shall be void. (1978 Code, § 1-203)

1-204. Compensation of mayor. The mayor shall be compensated at five hundred dollars (\$500.00) per month. (Ord. #1-96, May 1996, as amended by Ord. #6-98, Dec. 1998, and Ord. #11-08, Sept. 2008)

¹Charter references
Powers and duties: § 6.

CHAPTER 3**RECORDER**¹**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 the sum of five thousand dollars (\$5,000.00) before assuming the duties of his office. (1978 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1978 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. 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 town shall provide. (1978 Code, § 1-303)

¹Charter references
Powers and duties: § 7.

CHAPTER 4

CODE OF ETHICS¹

SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Violations.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated, § 8-47-101 and the following sections.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #8-06, Oct. 2006)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #8-06, Oct. 2006)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #8-06, Oct. 2006)

1-404. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #8-06, Oct. 2006)

1-405. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #8-06, Oct. 2006)

1-406. Use of information. 1. An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

2. An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #8-06, Oct. 2006)

1-407. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #8-06, Oct. 2006)

1-408. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #8-06, Oct. 2006)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #8-06, Oct. 2006)

1-410. Ethics complaints. (1) The town attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #8-06, Oct. 2006)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #8-06, Oct. 2006)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. 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. (1978 Code, § 1-501)

¹Charter reference
Appointment of judge: § 7.

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.
- 3-206. Collection agency services to collect unpaid fines.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1978 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs. (1) In all cases heard and determined by him/her, the town judge shall impose court costs in the amount of sixty-five dollars twenty-five cents (\$65.25). One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks. In addition, the court shall levy a local litigation tax in the amount of thirteen dollars and seventy-five cents (\$13.75) in all cases in which the state litigation tax is levied.

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

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation with results in a conviction. (1978 Code, § 1-508, as amended by Ord. #7-01, Dec. 2001, replaced by Ord. #01-14, April 2014, and amended by Ord. #08-16, Aug. 2016)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs

imposed by his court during the current month and to date for the current fiscal year. (1978 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1978 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1978 Code, § 1-506)

3-206. Collection agency services to collect unpaid fines.

(1) The town is hereby authorized to solicit and use the services of a collection agency to collect unpaid fines.

(2) The contract with such collection agency shall be in writing and conform to all provisions set forth in Tennessee Code Annotated, § 40-24-105(d).

(3) The contract with such collection agency may also include the collection of unpaid parking fines as provided in Tennessee Code Annotated, § 6-54-513, after notices required by law are mailed to registered vehicle owners. (as added by Ord. #5-10, Oct. 2010)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-304. Failure to appear.

3-301. Issuance of arrest warrants.¹ Only the city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1978 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. (1978 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. (1978 Code, § 1-505)

3-304. Failure to appear. It shall be unlawful and a civil offense for any person to violate his written promise to appear in court after giving his written promise to an officer upon the issuance of a citation or summons of any kind, including, but not limited to a citation in lieu of arrest in both traffic and non-traffic cases, and a summons in lieu of arrest. A violation of this section shall be punishable by a civil penalty of not more than \$500, as provided in Section 5 of the adopting ordinance (Ord. #3-98) of the White Pine Municipal Code. (As added by Ord. #3-00, April 2000)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1978 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1978 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe but in no case more than two hundred and fifty dollars (\$250.00), and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1978 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

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

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. PERSONNEL RULES AND REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1**SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES****SECTION**

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to provide for the employees and officials of the municipality, not excluded by law of this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance as authorized by the Federal Social Security Act and amendments thereto including public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. This old age and survivors insurance coverage shall be effective from and after January 1, 1962. (1978 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. (1978 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. (1978 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. (1978 Code, § 1-704)

4-105. Records and reports to be made. The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1978 Code, § 1-705)

4-106. Personnel excluded from coverage. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the municipality. There is further excluded from this chapter any authority to make any agreement with respect to any position, or any employee or official, compensation for which is on a fee basis or any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

Notwithstanding any provision(s) heretofore contained in the Social Security Agreement between said parties, it is now the intent and purpose of the board of mayor and aldermen of the Town of White Pine, Tennessee, to amend the Social Security Agreement by and between the Town of White Pine Tennessee, and the state Old Age and Survivors Insurance Agency, to exclude from its coverage group under the federal system of Old Age, Survivors, Disability, Health Insurance, the services of election officials/workers if the enumeration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995, ending on or before December 31, 1999, and the adjusted amount thereafter determined under Section 218(c)(8)(B) of the Social Security Act, for any calendar year commencing on or after January 1, 2000. (1978 Code, § 1-706)

CHAPTER 2

PERSONNEL RULES AND REGULATIONS¹

[RESERVED FOR FUTURE USE]

¹For personnel rules and regulations see the 1989 handbook which is of record in the office of the recorder.

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

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

4-301. Title. This section shall provide authority for establishing and administering the occupational safety and health program for the employees of the Town of White Pine, Tennessee. (1978 Code, § 1-1001, as replaced by Ord. #2-03, June 2003)

4-302. Purpose. The White Pine Board of Mayor and Aldermen, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

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

- (a) Top management commitment and employee involvement;
- (b) Continually analyze the worksite to identify all hazards and potential hazards;
- (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
- (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

(3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

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

(5) Consult with the state Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health programs which are

considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1978 Code, § 1-1002, as replaced by Ord. #2-03, June 2003)

4-303. Coverage. The provisions of the occupational safety and health program plan for the employees of the Town of White Pine shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of White Pine whether part-time or full-time, seasonal or permanent. (1978 Code, § 1-1003, as replaced by Ord. #2-03, June 2003)

4-304. Standards authorized. The occupational safety and health standards adopted by the White Pine Board of Mayor and Aldermen are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3). (1978 Code, § 1-1004, as replaced by Ord. #2-03, June 2003)

4-305. Variances from standards authorized. The White Pine Board of Mayor and Aldermen may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, the White Pine Board of Mayor and Aldermen shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the board of mayor and aldermen shall be deemed sufficient notice to employees. (1978 Code, § 1-1005, as replaced by Ord. #2-03, June 2003)

4-306. Administration. For the purposes of this chapter, Henry Taylor is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the Town of White Pine's occupational safety and health program plan. The director shall develop a plan of operation for the program and said plan shall become a part

of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (1978 Code, § 1-1006, as replaced by Ord. #2-03, June 2003)

4-307. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the White Pine Board of Mayor and Aldermen. (1978 Code, § 1-1007, as replaced by Ord. #2-03, June 2003)

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

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

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

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (1978 Code, § 1-1101)

4-402. Enforcement. The mayor of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (1978 Code, § 1-1102)

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

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

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

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

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

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

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

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

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

The mayor may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement. (1978 Code, § 1-1103)

4-404. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The town's travel reimbursement rates will automatically change when the federal rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (1978 Code, § 1-1104)

4-405. Administrative procedures. The town adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder. (1978 Code, § 1-1105)

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. REAL PROPERTY TAXES.
2. PRIVILEGE TAXES GENERALLY.
3. WHOLESALE BEER TAX.
4. PURCHASING.
5. OCCUPANCY TAX.

CHAPTER 1**REAL PROPERTY TAXES****SECTION**

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

5-101. When due and payable.² Taxes levied by the town against real and personal property shall become due and payable annually on the first day of October of the year for which levied. (1978 Code, § 6-101)

¹The Debt Management Policy for the Town of White Pine is available for review in the office of the city recorder. (Ord. #6-11, Dec. 2011)

²State 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.

5-102. When delinquent--penalty and interest.¹ All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.² (1978 Code, § 6-102)

¹Charter and state law reference

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

²Charter and state law references

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

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

CHAPTER 2

PRIVILEGE TAXES GENERALLY

SECTION

5-201. Tax levied.

5-202. License required.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the act. (1978 Code, § 6-201)

5-202. License required. No person shall exercise any such privilege within the town 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. (1978 Code, § 6-202)

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

5-301. To be collected.

5-301. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1978 Code, § 6-301)

¹State law reference

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

CHAPTER 4**PURCHASING****SECTION**

5-401. Competitive bidding.

5-401. Competitive bidding. In accordance with the provisions of Tennessee Code Annotated, § 6-56-306(a), a part of the Municipal Purchasing Law of 1983, as amended by Chapter No. 269 of the Public Acts of 1999, the dollar amount required for public advertisement and competitive bidding is \$10,000.

The limit for purchases requiring no advertisement or competitive bidding is \$4,000 calculated as allowed by Tennessee Code Annotated, § 6-56-305 as amended by Chapter No. 610 of the Public Acts of 2006. (As added by Ord. #4-99, Oct. 1999, as amended by Ord. #9-06, Oct. 2006)

CHAPTER 5

OCCUPANCY TAX

SECTION

- 5-501. Definitions.
- 5-502. Levy of tax.
- 5-503. Tax added to room invoice.
- 5-504. Remittance to town recorder.
- 5-505. Offer to absorb tax prohibited.
- 5-506. Penalties and interest for delinquency.
- 5-507. Records.
- 5-508. Administration.
- 5-509. Expending and distributing tax.
- 5-510. Tax is additional tax.
- 5-511. Rules and regulations.

5-501. Definitions. For the purpose of this chapter, the following definitions shall apply:

(1) "Person" means any individual, firm, partnership, joint venture, association; social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group combination acting as a unit.

(2) "Hotel" means any structure, or any portion of a structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for consideration.

(3) "Occupancy" means the use of possession, or the right to the use of possession, of any room, lodgings or accommodations in any hotel.

(4) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, or accommodations in a hotel for a period of less than ninety (90) continuous days.

(5) "Consideration" means the consideration charged whether or not received for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind of nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(7) "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the municipality tourists,

visitors and other interested persons from outside the area and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area for the same purposes. It also means the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourism, conventions, and recreational business. (as added by Ord. #12-19, Dec. 2019 *Ch14_6-16-20*)

5-502. Levy of tax. There is hereby levied a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of three percent (3.0%) of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the transient occupying said room and is to be collected and distributed as hereinafter. (as added by Ord. #12-19, Dec. 2019 *Ch14_6-16-20*)

5-503. Tax added to room invoice. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the Town of White Pine. (as added by Ord. #12-19, Dec. 2019 *Ch14_6-16-20*)

5-504. Remittance to town recorder. The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the town recorder. Said tax to be remitted to such officer not later than the 20th day of each month next following collection from the transient. (as added by Ord. #12-19, Dec. 2019 *Ch14_6-16-20*)

5-505. Offer to absorb tax prohibited. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded. (as added by Ord. #12-19, Dec. 2019 *Ch14_6-16-20*)

5-506. Penalties and interest for delinquency. Taxes collected by an operator which are not remitted to the town recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of six percent (6%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor. The fine shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator falls or refuses to pay

the tax payable to the town recorder. (as added by Ord. #12-19, Dec. 2019 *Ch14_6-16-20*)

5-507. Records. It shall be the duty of every operator liable for the collection and payment of this tax, to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the town recorder shall have the right to inspect at all reasonable times. (as added by Ord. #12-19, Dec. 2019 *Ch14_6-16-20*)

5-508. Administration. In administering and enforcing the provisions of this chapter, the town recorder shall have as additional powers the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, title 67, or other provided by law. (as added by Ord. #12-19, Dec. 2019 *Ch14_6-16-20*)

5-509. Expending and distributing tax. The proceeds from the tax levied herein shall be used solely to promote tourism and economic development in the town and for no other purposes. To that end, all proceeds from the tax levied herein shall be directed to the general fund of the White Pine Industrial Development Board to be used to attract business, industry and jobs to the town and encourage economic development and growth and promotion of tourism within the town. (as added by Ord. #12-19, Dec. 2019 *Ch14_6-16-20*)

5-510. Tax is additional tax. The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

5-511. Rules and regulations. The town recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws, for the enforcement of the provisions of this chapter and the collection of revenues hereunder.

Further, the town recorder shall design, prepare, print and make available to all persons who are subject to this chapter, all necessary forms for filing returns and instructions to ensure full compliance with the provisions of this chapter. (as added by Ord. #12-19, Dec. 2019 *Ch14_6-16-20*)

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

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1**POLICE AND ARREST¹****SECTION**

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance in making arrests.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.
- 6-108. Deleted.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1978 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1978 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1978 Code, § 1-403)

¹Municipal code reference

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

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. (1978 Code, § 1-404)

6-105. Policemen may require assistance in making arrests. It shall be unlawful for any male 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 to effect the arrest. (1978 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1978 Code, § 1-406)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1978 Code, § 1-407)

6-108. Deleted. (1978 Code, § 1-408, as deleted by Ord. #3-19, June 2019 *Ch14_6-16-20*)

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

6-201. County jail to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. County jail to be used. The county jail is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1978 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. (1978 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. (1978 Code, § 1-603)

TITLE 7**FIRE PROTECTION AND FIREWORKS**¹**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIREWORKS.
5. FALSE FIRE ALARMS.
6. KEY LOCK BOX SYSTEM.

CHAPTER 1**FIRE DISTRICT****SECTION**

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all the territory within the C-1 Central Business District as outlined and defined by the White Pine Zoning Ordinance and the White Pine Zoning Map as adopted by the White Pine Planning Commission and the Board of Mayor and Aldermen. (1978 Code, § 7-101, as amended by Ord. #1-06, March 2006)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

7-201. Fire code adopted.

7-202. Amendments.

7-203.--7-205. Repealed.

7-206.--7-207. [Deleted.]

7-201. Fire code adopted. The town hereby adopts the 2018 edition of the International Fire Code,² published by the International Code Council, Inc., by reference, as if set out at length in this section, with the amendments set out in this article. (1978 Code, § 7-201, as replaced by Ord. #8-05, May 2005, Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

7-202. Amendments. The code adopted by this article is amended as provided in this section (the section identifiers contained within these amendments conform to the 2018 International Fire Code):

Exhibit VII

Amendments to the 2018 International Fire Code

Section [A] 101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert "White Pine, Tennessee" in its place.

Section [A] 101.2.1 Appendices.

Insert "The following Appendices are specifically included in the adoption. All others are excluded.

Appendix B Fire-Flow Requirements For Buildings

Appendix C Fire HYDRANT Locations and Distribution

Appendix D Fire Apparatus Access Roads

Appendix E Hazard Categories (1978 Code, § 7-202, as replaced by Ord. #8-05, May 2005, Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

7-203.--7-205. Repealed. (as repealed by Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

7-206--7-207. Deleted. (as deleted by Ord. #8-05, May 2005)

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure of members.

7-306. Chief responsible for training and maintenance.

7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen, in no event less than fourteen (14), as the chief shall appoint. (1978 Code, § 7-301)

7-302. Objectives. The volunteer 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. (1978 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the volunteer 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 volunteer fire department. (1978 Code, § 7-303)

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

¹Municipal code reference

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

personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1978 Code, § 7-304)

7-305. Tenure of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. 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 board of mayor and aldermen. (1978 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1978 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1978 Code, § 7-308)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Definition of fireworks.
- 7-402. Sale of fireworks.
- 7-403. Storage, location and display of fireworks.
- 7-404. Manufacture of fireworks.
- 7-405. Revocation of license/permit.
- 7-406. Hours of fireworks display.
- 7-407. Special fireworks display permitted.

7-401. Definition of fireworks. "Fireworks" means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of all articles of fireworks classified as 1.4G, or referred to as "consumer fireworks," or "Class C common fireworks." (as added by Ord. #11-00, Oct. 2000, replaced by Ord. #6-02, Oct. 2002, and replaced by Ord. #1-07, March 2007)

7-402. Sale of fireworks. No retail sale of fireworks shall be made without proof offered by the applicant of complete compliance to all provisions of state statutes and town ordinances relating to safety requirements for the sale of fireworks. Local retailers shall make and report sales under their regular town business license. Before the issuance of such license, each applicant must furnish evidence that a proper permit has been issued to the applicant by the state fire marshal and that the permit is current and valid. The town fire inspector must inspect before the business is open.

Seasonal retailers shall not commence sales without first obtaining either a town business license or transient vendor license in accordance with the rules and regulations of the Tennessee Business Tax Act. (as added by Ord. #11-00, Oct. 2000, and replaced by Ord. #6-02, Oct. 2002, Ord. #1-07, March 2007, and Ord. #3-23, June 2023 *Ch15_11-07-23*)

7-403. Storage, location and display of fireworks. No tent or any other structure erected for sale of fireworks shall be within five hundred feet (500') of any gasoline station, fuel pump, or fuel storage tank. No fireworks shall be stored or sold at retail at any location where paints, oils or varnishes, resin, turpentine, or other flammable substance are for sale or use. Stocks of fireworks not on display must be enclosed in a locked, vented storage container with no source of electrical current. Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed is hereby declared unlawful and prohibited.

At all places where fireworks are stored or sold, the presence of lighted cigars, cigarettes, or pipes within twenty-five feet (25') of where the fireworks are offered for sale is hereby declared unlawful and prohibited. There must be posted signs warning "Fireworks-No Smoking" in letters not less than four inches (4") high. The signs must be visible from both inside and outside the vending area.

No fireworks shall be discharged within five hundred feet (500') of any stand, booth, or location where fireworks are being sold. A notice shall be posted on site that no fireworks shall be discharged within five hundred feet (500') of such place of sale.

All places storing or selling fireworks must have a minimum of four (4) fire extinguishers, one (1) located in each corner of the vending area. Each fire extinguisher location must be marked with a sign at eye level stating "FIRE EXTINGUISHER" in letters not less than four (4") inches high. (as added by Ord. #11-00, Oct. 2000, and replaced by Ord. #6-02, Oct. 2002, Ord. #1-07, March 2007, and Ord. #3-23, June 2023 *Ch15_11-07-23*)

7-404. Manufacture of fireworks. The manufacture of fireworks is prohibited within the town limits. (as added by Ord. #11-00, Oct. 2000, and replaced by Ord. #6-02, Oct. 2002, Ord. #1-07, March 2007, and Ord. #3-23, June 2023 *Ch15_11-07-23*)

7-405. Revocation of license/permit. Any license or permit for the sale or use of fireworks provided for under this chapter may be revoked by an officer of the White Pine Police Department or the chief of the fire department upon their determination, after inspection, that unsafe conditions or non-compliance with this chapter exists. (as added by Ord. #3-23, June 2023 *Ch15_11-07-23*)

7-406. Hours of fireworks discharge. It shall be unlawful for any person to fire, set off, or otherwise discharge fireworks within the town limits of White Pine except between the hours of 10:00 A.M. and 11:00 P.M. on July 3 and 4, between the hours of 10:00 A.M. on December 31 and 1:00 A.M. on January 1, and as otherwise provided in this chapter. In no event shall any firework be discharged when the geographical area that includes the Town of White Pine is under a fire ban issued by the Tennessee Department of Forestry. (as added by Ord. #3-23, June 2023 *Ch15_11-07-23*)

7-407. Special fireworks display permitted. Firework displays permitted. Firework displays may be permitted for special events, such as civic and holiday celebrations. These public firework displays shall be governed by the provisions to Tennessee Code Annotated, 68-104-07 and required permits shall be obtained from the state fire marshal and the chief of the White Pine Volunteer Fire Department. (as added by Ord. #3-23, June 2023 *Ch15_11-07-23*)

CHAPTER 5

FALSE FIRE ALARMS

SECTION

7-501. Definition.

7-502. Notices and penalties.

7-501. Definition. False emergency alarm is any signal actuated by an emergency alarm to which the fire department responds which is not the result of fire or other actual emergency and not caused by an extraordinary act of nature. (as added by Ord. #3-05, March 2005)

7-502. Notices and penalties. The following schedule of notices, warnings, penalties, and costs shall be assessed to the owners and/or operators of emergency alarm systems for false emergency alarms transmitted to the fire department within any one year period:

1st False Emergency Alarm: Verbal notification by the White Pine Volunteer Fire Chief of the Town of White Pine Code Enforcement Officer.

2nd False Emergency Alarm: Written warning informing the owner or operator of the alarm system of the provisions of this ordinance and of the occurrence of a second violation.

3rd False Emergency Alarm: A fine of up to fifty dollars (\$50.00) may be imposed.

4th and Subsequent False Emergency Alarm: For each violation a fine of fifty dollars (\$50) shall be imposed and the actual cost of such response by the fire department including the costs of equipment, fuel, personnel, administration, and other such factors as determined by the fire chief. (as added by Ord. #3-05, March 2005)

CHAPTER 6

KEY LOCK BOX SYSTEM

SECTION

7-601. Key lock box system.

7-601. Key lock box system. (1) The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the fire chief.

(a) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency;

(b) Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;

(c) Governmental structures and nursing care facilities.

(d) Other properties or structures where fire department access would be delayed as determined by the fire chief.

(e) All new commercial structures.

(f) All existed commercial buildings construction improvements that require a building permit.

(g) All existing commercial buildings equipped with automatic fire detection and/or suppression systems.

(2) All newly constructed structures subject to this chapter shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this chapter and subject to this chapter shall have one (1) year from the effective date of this chapter to have a key lock box installed and operational.

(3) The fire chief shall designate the type of key lock box system to be implemented within the Town of White Pine and shall have the authority to require all structures to use the designated systems.

(4) The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure.

(5) The fire chief shall be authorized to implement rules and regulations for the use of the lock box system.

(6) The operator of the building shall immediately notify the fire code official and provide a new key when a lock is changed or re-keyed. The key to such locks will be secured in the key-box. The Town of White Pine will require a lock box be located at the entrance or approved entrance to the building. The lock box should be at a height of seventy-two inches (72") off the ground and twenty-four inches (24") to the left or right of the door.

(7) Any person who owns or operates a structure subject to this chapter shall be subject to the penalties set forth in this code for any violations of this chapter, provided that the minimum fine for a conviction for a violation of the section shall be one hundred dollars (\$100.00). (as added by Ord. #10-17, Dec. 2017)

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. RETAIL FOOD STORE WINE LICENSES.

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

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws² and/or ordinances, it shall be unlawful for any person acting for himself or for any other person, to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this town. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1978 Code, § 2-101)

¹State law reference
Tennessee Code Annotated, title 57.

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

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Omitted.
- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Time restriction on use of permits.
- 8-213. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-214. Prohibited conduct or activities by beer permit holders.
- 8-215. Suspension and revocation of beer permits.
- 8-216. Civil penalty in lieu of revocation or suspension.
- 8-217. Inspection of premises where alcoholic beverages sold.
- 8-218. Loss of clerk's certification for sale to minor.

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the beer board. (1978 Code, § 2-201, as amended by Ord. #8-07, Oct. 2007)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a meeting will be scheduled on the date of the next regularly scheduled city council meeting, immediately following the adjournment of the city council meeting. The board may adjourn a meeting at any time to another time and place. (1978 Code, § 2-202, as amended by Ord. #8-07, Oct. 2007)

¹Municipal code references

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

Tax provisions: title 5.

State law reference

For a leading case on a municipality's authority to regulate beer, see Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982).

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1978 Code, § 2-203, as amended by Ord. #8-07, Oct. 2007)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. Applicants for beer permits shall appear in person before the board will consider their application. (1978 Code, § 2-204, as amended by Ord. #8-07, Oct. 2007)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1978 Code, § 2-205, as amended by Ord. #8-07, Oct. 2007)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales and other malt liquors of alcoholic content of not more than five percent (5%) alcohol by weight, or any other beverage of like alcohol content except wine. (1978 Code, § 2-206, as amended by Ord. #8-07, Oct. 2007)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board.

(1) Each applicant shall be furnished an application pursuant to Tennessee Code Annotated, § 57-5-103, and each submitted application shall be accompanied by a nonrefundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in cash or equivalent payable to the Town of White Pine.

(2) Each applicant must be a person of good moral character and he or she must certify that he or she has read and is familiar with the provisions of this chapter.

(3) A permit is void at midnight of the day a permit holder ceases business for which the permit was granted and must be surrendered to the recorder's office within fifteen (15) working days.

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

(5) A permit is not transferable. (1978 Code, § 2-207, as amended by Ord. #8-07, Oct. 2007)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00) per year. Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on issuance of the permit, and each successive January 1, to the Town of White Pine, Tennessee. If said privilege tax is not paid on or before January 10, the beer permit issued to said person, firm, corporation, joint stock company, syndicate or association shall be void, and said permit holder shall have to apply for a new permit. If said tax is paid after January 1 but before January 10, a penalty of twenty-five dollars (\$25.00) shall be charged for each successive day the tax is not paid. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1978 Code, § 2-214, as amended by Ord. #8-07, Oct. 2007)

8-209. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them.

(1) Beer permits for retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his or her permit. It shall likewise be unlawful for him or her not to comply with any and all express restrictions or conditions that are written into his or her permit by the beer board.

(2) No on-premise permit shall be issued for a premise other than a restaurant. For purposes of this chapter, "on premise" shall include the interior of the business enclosed by permanent walls and covered by a permanent roof.

On premise establishments must provide separate public restroom facilities for both sexes.

(a) "Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted, except were the restaurant is located in a hotel or motel which provides at least thirty (30) rooms or suites for guests, in which case, the restaurant business may be secondary to the hotel or motel business. A restaurant shall also be eligible for an on-premise permit hereunder if the restaurant serves at least one (1) meal a day at least four (4) days a week with the exception of holidays, vacations and periods of redecorating, and if the serving of such meals are the principal business conducted, and if such restaurant is only open for four (4) days a week. In no case shall beer be sold at times other than when meals are being served.

(b) A permit is required for all employees involved in the selling or dispensing of beer for on premises consumption. There shall be a fee imposed for such permit by resolution of city council, as it may act from time to time, in such amounts and for such duration as the council deems appropriate. Applicants for employee permits must be certified in alcohol server training under the "Training for Intervention Procedures" (TIPS) program, and maintain certification during employment, or be certified under a comparable program formally approved and adopted by the beer board. The training must include, but not be limited to, recognition of possible impairment of patrons, criminal and civil liability issues related to serving alcoholic beverages, and the legal and social consequences of unlawful consumption of alcoholic beverages.

(c) Annual sales of beer as defined in this chapter shall not exceed twenty five percent (25%) of total taxable sales for any on premise permit holder. In the application of this section, total taxable sales shall be defined as those food and nonalcoholic beverage sales subject to state and local sales taxes. It shall be a violation of this section if the beer sales exceed the twenty-five percent (25%) limit in two (2) consecutive months or three (3) months in any calendar year.

(3) No off-premise permit shall be issued for a premise other than full line grocery stores, drugstores, or convenience stores. Such establishments must be constructed so that the cashier(s) or checkout counter(s) are clearly visible

from a public street or shopping center parking lot. For the application of this section, a full line grocery store shall be defined as a store that maintains an inventory of staple food items including fresh meats, vegetables, produce, and fruits. A drug store shall be defined as a business whose primary business is the sale of prescription drugs and associated items. A convenience store shall be defined as a store that maintains an inventory of basic food items such as luncheon meats, snack items, milk products, bread products, and canned goods. A permit is required for all managers and other employees involved in the selling or dispensing of beer for off premise consumption. There shall be a fee imposed for such permit by resolution of city council, as it may act from time to time, in such amounts and for such duration as the council deems appropriate. The on-site manager and any other employee who makes off premises sales of beer must be certified in alcohol server training under the "Training for Intervention Procedures" (TIPS) program, and maintain certification during employment, or be certified under a comparable program formally approved and adopted by the beer board.

(4) Each holder of a beer permit shall continuously maintain in Town of White Pine:

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

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

(5) No brewer, wholesaler or manufacturer of beer, nor any agent of such brewer, wholesaler or manufacturer, shall be permitted to make a loan of money or furnish any fixtures of any kind or have any interest either directly or indirectly in the business of any retailer of beer, or in the premises occupied by such retailer. No person holding and/or exercising a valid permit issued pursuant to this chapter shall while so doing convey or contract to convey or grant any interest in the business located at the place named on the permit, or an interest in the premise or any property therein, to any brewer, wholesaler or manufacturer of beer regulated by this chapter. No person holding and/or exercising a valid permit issued pursuant to this chapter shall incur or contract any indebtedness or financial obligation to any brewer, wholesaler or manufacturer of beer regulated by this chapter, except for the purchase of the beverages. No permit shall be granted under this chapter to any applicant who at the time of making application, is indebted or financially obligated to any such brewer, wholesaler or manufacturer, except for the purchase of the beverages. (1978 Code, § 2-208, as amended by Ord. #8-07, Oct. 2007, and replaced by Ord. #8-23, Aug. 2023 *Ch15_11-07-23*)

8-210. Omitted. (1978 Code, § 2-209, as amended by Ord. #6-96, Aug. 1996, and Ord. #8-07, Oct. 2007, and deleted by Ord. #8-23, Aug. 2023 *Ch15_11-07-23*)

8-211. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals, schools, churches, parks, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. For purposes of application of this section, in no event will a permit be issued authorizing the sale of beer within two hundred feet (200') of any, public school or church. The distances shall be measured in a straight line from the nearest point of any portion of the building from which the beer will be sold to the nearest point of any portion of the school, or church (i.e., building to building). If property is in the C-1, C-2, or C-3 zone, the distance rule will not apply.

No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a hospital, school, or church, if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous one (1) year period. "School" does not include private pre-school, private day care, home school or any institution of learning within the jurisdiction of the Tennessee Higher Education Commission as set forth in Tennessee Code Annotated, § 49-7-203. Issuance of a permit pursuant to § 8-211 shall be subject to the provisions of § 8-207. No permit shall be denied on the basis of proximity to any facility described above if the application for the permit was duly filed and accompanied with the appropriate filing fee prior to commencement of the use of any facility described above for the purposes which would otherwise prohibit the issuance of the permit. (1978 Code, § 2-211, as amended by Ord. #8-07, Oct. 2007, and replaced by Ord. #8-23, Aug. 2023 *Ch15_11-07-23*)

8-212. Time restrictions on use of permits. (1) A beer permit issued under this section must be surrendered to the recorder if business is temporarily ceased at the location specified on the permit for a period longer than sixty (60) days. Any person in the possession of such a permit shall immediately notify the recorder of the reason and initial date of such closing. Said sixty (60) day period may be increased in increments of thirty (30) days, upon the permission of the board of mayor and aldermen, not to exceed total cessation period of six (6) months.

(2) A beer permit issued under this section must be surrendered to the recorder within (15) days of the termination of business, change in ownership, relocation, or change of the business name. (1978 Code, § 2-210, as amended by Ord. #3-06, April 2006, and Ord. #8-07, Oct. 2007)

8-213. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having

at least a five percent (5%) ownership interest in the business for which application is being made shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (1978 Code, § 2-212, as amended by Ord. #6-69, Aug. 1996, modified, and amended by Ord. #8-07, Oct. 2007)

8-214. Prohibited conduct or activities by beer permit holders.

It shall be unlawful for any beer permit holder, employee, or person engaged in the sale of beer to:

(1) Make or allow any sale of beer on the licensed premises on Christmas, Thanksgiving, or Easter.

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

(3) Make or allow any sale of beer on the licensed premises between the hours of 3:00 A.M. and 8:00 A.M. on Monday through Saturday or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. Private clubs operating under a state of Tennessee Alcoholic Beverage Control Board permit shall comply with the hours of operation dictated in that permit unless the local jurisdiction has opted out of the expanded hours. If such is the case, then the consumption and/or sale of alcoholic beverages may begin at 12:00 P.M. on Sunday.

(4) Make or allow any sale of beer to a person under twenty-one (21) years of age.

(5) Allow on the premises an owner, co-owner, operator, proprietor, or employee to drink or be under the influence of any of the beverages regulated by this chapter.

(6) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

(7) Make or allow any sale of beer to any person who appears, or would reasonably appear to be under the influence of any intoxicant whatsoever.

(8) Allow intoxicated person to loiter about his premises.

(9) To erect or maintain more than one advertising display sign that is clearly visible from the exterior of the establishment to be placed either on the inside or outside of the building. Such sign may use the word "beer" or the name of any brand of beer. Such advertising or display sign shall not exceed four inches (4") in depth and eighteen inches (18") in length, and the sign, if on the outside of the building, shall be placed parallel with the building.

(10) Have on the premises any pool or billiard tables. This section shall not apply to any private clubs operating under a State of Tennessee Alcoholic Beverage Control Board permit. However, if said premises is purchased, conveyed or otherwise transferred to another individual, corporation or entity, and said individual, corporation or entity is issued a beer permit by the Town of White Pine, the prohibition contained in this subsection (10) shall apply.

(11) Make or allow the sale of beer directly to the occupants of a vehicle or through "drive-through" windows.

(12) Provide for or allow any gambling or games of chance involving exchange of money on the premises, excepting activities authorized pursuant to the Tennessee Education Lottery Implementation Law codified at Tennessee Code Annotated, § 4-51-101 et seq.

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

(a) Publicly or openly perform acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts prohibited by law;

(b) Publicly or openly engage in the actual or simulated touching with the hand, facial area or mouth, or caressing, or fondling of the breasts, buttocks, anus or genitals;

(c) Publicly or openly engage in the actual or simulated display to public view of any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the display of the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

(d) Publicly or openly wear or use any device or covering exposed to public view which simulates the display to public view of any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the display of the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

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

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

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

(h) For the owner of the property, or the owner of any business operated thereon, or any employee thereof to allow or permit any person

to remain in or upon the premises who is exposing to public view any portion of the human male or female genitals, pubic area, buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state.

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

(i) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(ii) Any person being touched, caressed, or fondled on the breasts, buttocks, anus or genitals;

(iii) Scenes wherein the person displays the vulva, the anus or the genitals;

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

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

(k) Nothing contained in this section shall be construed to prohibit the broadcast or display of any television program subject to regulation by the Federal Communications Commission of the United States on the permitted premises. (1978 Code, § 2-213, as amended by Ord. #8-07, Oct. 2007, Ord. #11-15, Dec. 2015, Ord. #4-21, June 2021 *Ch15_11-07-23*, and by Ord. #7-21, June 2021 *Ch15_11-07-23*)

8-215. Suspension and revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the chief of police or by any member of the beer board. If a permit is revoked pursuant to this ordinance, no permit may be issued or considered for sales of beer from the same premises for one (1) year from the effective date of the revocation.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage

commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (1978 Code, § 2-215, as replaced by Ord. #8-04, June 2004, and amended by Ord. #8-07, Oct. 2007, and Ord. #11-15, Dec. 2015)

8-216. Civil penalty in lieu of revocation or suspension.

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

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

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

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (as amended by Ord. #8-07, Oct. 2007, and Ord. #11-15, Dec. 2015)

8-217. Inspection of premises where alcoholic beverages sold.

Any police officer of the Town of White Pine shall have the right to inspect at any and all times the entire premises and property where or upon, on or in which the beverages regulated by this chapter are sold, stored, transported or otherwise dispensed or distributed or handled, whether retail or wholesale, in the city. The chief of police shall maintain a written record of each permittee of the findings of inspections conducted in accordance with this section. (as added by Ord. #8-07, Oct. 2007)

8-218. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606 sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #11-15, Dec. 2015)

CHAPTER 3**RETAIL FOOD STORE WINE LICENSES****SECTION**

8-301. Inspection fee on retail food store wine licenses.

8-301. Inspection fee on retail food store wine licensees. Pursuant to the authority contained in Tennessee Code Annotated, § 57-3-501 et.al., there is hereby imposed an inspection fee on retail food store wine licensees. The inspection fee shall be eight percent (8%) of the wholesale price of alcoholic beverages as defined in Tennessee Code Annotated, § 57-3-101(a)(1)(A) supplied by a wholesaler to a retail food store wine licensee. (as added by Ord. #11-16, Jan. 2017)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. DELETED.
4. TAXICABS.
5. POOL ROOMS.
6. PERSONAL PROPERTY SALES.
7. HOTELS AND MOTELS.
8. ADULT-ORIENTED ESTABLISHMENTS.
9. SHORT-TERM RENTAL RESIDENCE REQUIREMENTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. "Going out of business" sales.
- 9-102. Food truck mobile concession stand regulations.

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. (1978 Code, § 5-101)

9-102. Food truck mobile concession stand regulations.

(1) Each vendor, who desires to operate within the corporate limits of the Town of White Pine, a food truck, or mobile concession stand with any cooking equipment shall obtain a permit and pay a filling fee, provided said

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

vendor is not a 501(c)(3) organization as designated by the Internal Revenue Service. There shall be no filling fee paid by such vendor who is a 501(c)(3) although they are required to obtain a permit from town hall.

(2) There are three (3) types of permits:

(a) One (1) day only for up to twelve (12) consecutive hours:
\$25.00

(b) One (1) year permit good for one (1) day per week up to twelve (12) consecutive hours per day. Vendor must choose day of week permit is to be used upon purchase of permit: \$100.00

(c) One (1) year permit good for up to three (3) days per week and up to twelve (12) consecutive hours per day. Vendor must choose the days per week when purchasing permit: \$300.00

(3) Any food truck or mobile concession stand shall park on private property and have in their possession a signed letter of permission from the owner granting vendor permission to operate on their property. This letter shall be no older than twelve (12) months from the date of operation.

(4) During town approved festivals and/or events, a food truck shall only set up with the consent of the mayor and the festival coordinator.

(5) At no time shall any vendor herein authorized be permitted to operate or be situated on any sidewalk of the town.

(6) No vendor hereunder shall operate within the town unless all signage for the same is attached to the vehicle and said vehicle or vehicle signage shall not contain flashing lights. Said vendor shall also be prohibited from using amplified sound with its operation.

(7) Each vendor hereunder shall keep the area around its location clear of trash and debris. Vendor shall contain on board at all times any waste liquids generated by its operator, e.g. oils, wash water, etc.

(8) In the event a vendor utilizes electrical service, the same shall be in accordance with all current regulations of the state and town and subject to approval by the building inspector for the town.

(9) All vendors hereunder shall be free standing and not use stakes, rods, or any support method which must be drilled or driven into asphalt, pavement, sidewalks or buildings.

(10) There shall be a limit of two (2) the number of vendors hereunder which may operate at anytime on any tract of private property.

(11) The town permit must be displayed so that it can easily be viewed.

(12) If a permit holder has obtained a yearly permit and would like to increase to three (3) days, the vendor can pay the additional fees and follow the guidelines for the three hundred dollar (\$300.00) permit. (as added by Ord. #11-19, Dec. 2019 *Ch14_6-16-20*, amended by Ord. #5-21, June 2021 *Ch15_11-07-23*, and replaced by Ord. #2-22, April 2022 *Ch15_11-07-23*)

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Definitions.
- 9-202. Exemptions.
- 9-203. Permit required.
- 9-204. Permit procedure.
- 9-205. Restrictions on peddlers, street backers and solicitors.
- 9-206. Display of permit.
- 9-207. Suspension or revocation of permit.
- 9-208. Expiration and renewal of permit.
- 9-209. Violation and penalty.
- 9-210--9-213. Deleted.

9-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the town, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the town or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one of the following conditions:

¹Municipal code references
Privilege taxes: title 5.

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501 (c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Jefferson County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the town, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Street barker" means any peddler who does business during recognized festival or parade days in the town and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (1978 Code, § 5-201, as replaced by Ord. #5-05, May 2005)

9-202. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who in fact, themselves produced the products being sold. (1978 Code, § 5-202, as replaced by Ord. #5-05, May 2005)

9-203. Permit required. No person, firm or corporation shall operate a business as a peddler, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter. (1978 Code, § 5-203, as replaced by Ord. #5-05, May 2005)

9-204. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the town recorder by each applicant for a permit as a peddler, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name, permanent address, telephone number, fax number, and email address of the business or organization the applicant(s) represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names, permanent addresses, signature and proof of identification of each person who will make sales or solicitations within the town.

(e) The make, model complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee State sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to the chief of police. Immediately after the applicant obtains a permit from the town recorder, the recorder shall submit to the chief of police a copy of the application form and the permit. (1978 Code, § 5-204, as replaced by Ord. #5-05, May 2005)

9-205. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the town.

(2) Stand or sit in or near the entrance to any dwelling or place of business.

(3) Call attention to this business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the town.

(4) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (1978 Code, § 5-205, as replaced by Ord. #5-05, May 2005)

9-206. Display of permit. Each peddler, street barker solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (1978 Code, § 5-206, as replaced by Ord. #5-05, May 2005)

9-207. Suspension or revocation of permit. (1) Suspension by the town recorder or code enforcement officer. The permit issued to any person or organization under this chapter may be suspended by the town recorder or code enforcement officer for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the town recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1978 Code, § 5-207, as replaced by Ord. #5-05, May 2005)

9-208. Expiration and renewal of permit. The permit of peddlers and solicitors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler or solicitor who for any reason is not subject to the privilege tax shall be issued for two (2) weeks. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the town. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit. (1978 Code, § 5-208, as replaced by Ord. #5-05, May 2005)

9-209. Violation and penalty. In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense. (1978 Code, § 5-209, as replaced by Ord. #5-05, May 2005)

9-210–9-213. Deleted. (as deleted by Ord. #5-05, May 2005)

CHAPTER 3

(This chapter was deleted by Ord. #5-05, May 2005)

CHAPTER 4

TAXICABS¹

SECTION

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

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1978 Code, § 5-401)

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

¹Municipal code reference
Privilege taxes: title 5.

recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the governing body shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1978 Code, § 5-402)

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of fifty thousand dollars (\$50,000.00) for bodily injury or death to any one person, one hundred thousand dollars (\$100,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and ten thousand dollars (\$10,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1978 Code, § 5-403)

9-404. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1978 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the town unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1978 Code, § 5-405)

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

At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1978 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1978 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1978 Code, § 5-408)

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

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1978 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of this chapter or for violations of the traffic laws of the town. (1978 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1978 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and

marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1978 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1978 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1978 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1978 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1978 Code, § 5-416)

CHAPTER 5**POOL ROOMS**¹**SECTION**

9-501. Minors to be kept out; exception.

9-501. 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 kept by private persons and used in private families. (1978 Code, § 5-503)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

PERSONAL PROPERTY SALES

SECTION

- 9-601. Definitions.
- 9-602. Property permitted to be sold.
- 9-603. Hours of operation.
- 9-604. Display of sale property.
- 9-605. Advertising signs.
- 9-606. Public nuisance.

9-601. Definitions. (1) Personal property shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(2) Garage sale shall mean and include all general sales, open to the public, conducted from or on residential property in any residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio", or "rummage" sale.

(3) Residence shall include the whole of the property and attendant structures and shall also include all households, whether they be single-family or multi-family. (1978 Code, § 8-501)

9-602. Property permitted to be sold. It shall be unlawful for any individual to sell or offer for sale, under authority granted by this chapter, property other than personal property. (1978 Code, § 8-502)

9-603. Hours of operation. Such garage sales shall be limited to no more than the daylight hours of three (3) consecutive week days, or a Friday, Saturday and Monday. No more than three (3) such sales per year may be held at any one residential location. No such sales shall be held on Sundays. (1978 Code, § 8-503, as amended by Ord. #5-06, April 2006)

9-604. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in the yard. Displays are prohibited in any public right-of-way. (1978 Code, § 8-504)

9-605. Advertising signs. Only the following specified signs may be displayed in relation to a garage sale:

(1) **On premise signs.** Two (2) signs of not more than two (2) square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.

(2) Off premise signs. Three (3) signs of not more than two (2) square feet each are permitted to be displayed off the property of the residence where garage sale is being conducted, the only exception being the unlimited display of signs in any privately owned store windows.

(3) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such a sale is to commence.

(4) Removal of signs. Signs must be removed by the end of the day upon which sale ends. (1978 Code, § 8-505)

9-606. Public nuisance. The individual, owner, or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises or permit vehicles to impede the passage or traffic on any roads or streets in the area of such premises. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. All such individuals shall obey the reasonable orders of any member of the police or fire departments of the Town of White Pine in order to maintain the public health, safety, and welfare. (1978 Code, § 8-506)

CHAPTER 7

HOTELS AND MOTELS

SECTION

- 9-701. Definitions.
- 9-702. Identification of guests.
- 9-703. Registration of guests.
- 9-704. Access for law enforcement persons.
- 9-705. Violation and penalties.

9-701. Definitions. (1) "Hotel" or "Inn" shall mean any building or sleeping accommodations that are offered to the public, whether or not other businesses or services are offered in the same building.

(2) "Motel" shall mean any building, series of buildings or series of cabins in which sleeping accommodations are offered to the public, along with parking for motor vehicles, whether or not other businesses or services are offered on the premises. (As added by Ord. #4-00, May 2000)

9-702. Identification of guests. Every owner, keeper or proprietor of any lodging house, rooming house, motel or hotel shall keep a register wherein all guests, roomers, or lodgers shall inscribe their names upon their procuring lodging, a room or accommodations. Said owner, keeper or proprietor shall require identification of each guest, roomer or lodger at the time of registration in a form including but not limited to a driver's license, government-issued picture identification card, credit card or such other form as will reasonably assure that the registrant is, in fact, the person under whose name such lodging room or accommodations is, in fact, being procured. (As added by Ord. #4-00, May 2000)

9-703. Registration of guests. Before furnishing any lodging for hire to any person in any lodging house, or before furnishing any accommodations to any guest of any motel or hotel, the proprietor, manager or owner thereof shall require the person to whom such lodging is furnished, or room is rented or accommodations furnished, to inscribe his or her name in such register with the license number of vehicle, make and model of such vehicle, kept for the purpose as heretofore provided, and shall set opposite said name the time that said name was so inscribed and the room occupied by such lodger, roomer or guest. (As added by Ord. #4-00, May 2000, and amended by Ord. #11-04, Oct. 2004)

9-704. Access for law enforcement persons. All information required to be procured and kept pursuant to § 9-701 and § 9-702 of this chapter shall be provided to any federal, state, or local sworn law enforcement officer having the

lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of common law, probable cause, constitutional law, statutory right or warrant. (As added by Ord. #4-00, May 2000)

9-705. Violation and penalties. It shall be a civil offense for any person to violate or fail to comply with any provision of the hotel and motel code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (As added by Ord. #4-00, May 2000)

CHAPTER 8

ADULT-ORIENTED ESTABLISHMENTS

SECTION

- 9-801. Definitions.
- 9-802. Standard for location of an adult-oriented establishments.
- 9-803. License required.
- 9-804. Application for license.
- 9-805. Standards for issuance of license.
- 9-806. Permit required.
- 9-807. Application for permit.
- 9-808. Standards for issuance of permit.
- 9-809. Fees.
- 9-810. Display of license or permit.
- 9-811. Renewal of license or permit.
- 9-812. Revocation of license or permit.
- 9-813. Hours of operation.
- 9-814. Responsibilities of the operator.
- 9-815. Prohibition and unlawful sexual acts.
- 9-816. Penalties and prosecution.

9-801. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(2) "Adult bookstore" means an establishment receiving at least 20% of its gross sales from the sale or rental of books, magazines, periodicals, videotapes, DVD's, films and other electronic media 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. "Adult bookstore" shall not include video stores whose primary business is the rental and sale of videos which are not distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(3) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting materials having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by any means by patrons therein

(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 anatomical areas," as defined below, for observation by any means by patrons therein.

(5) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancer, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(6) "Board of mayor and aldermen" means the Board of Mayor and Aldermen of the Town of White Pine, Tennessee.

(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 and a adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(9) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(10) "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified sexual activities" means:

(a) Human genitals in a state of actual or simulated sexual stimulation or arousal;

(b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(12) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttocks;

(iii) Female breasts below a point immediately above the top of the areola; and

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered. (as added by Ord. #2-05, Feb. 2005)

9-802. Standard for location of adult-oriented establishments.

Because of the nature and character of their operations, adult-oriented establishments can have a detrimental effect upon surrounding properties. The following standard shall apply:

(1) Adult-oriented establishments shall be permitted only within the C-3, Highway Commercial zoning district, and shall not be permitted within three-hundred (300) yards of

(a) A church, synagogue, mosque, temple or building used primarily for religious activities;

(b) A public or private educational or child care facility, including but not limited to day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities and the grounds of any such facility;

(c) A boundary of any residential zoning district or the property line of a lot devoted to a residential use;

(d) A public park or recreational area that has been designated for park and recreational activities, including but not limited to a park, playground, nature trail, swimming pool, athletic field, basketball or tennis court, a soccer field, pedestrian/bicycle paths or any other similar public land which is under control, operated, or management of any government park and recreation authority.

- (e) An entertainment business that is oriented primarily towards entertainment of children and families;
- (f) Any packaged liquor store;
- (g) A funeral home, mortuary, or crematory facility.

(2) For the purpose of these conditions, measurement shall be made in a straight line, without regard to intervening structures, objects or public right-of ways, from the structure proposed for use as the premises where an adult-oriented establishment is conducted, to the nearest property line of the premises of a use listed in subsections (a)-(g). The presence of a town boundary shall be irrelevant for purposes of calculating and applying the distance requirement of this section.

(3) An adult oriented establishment lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations of said establishment, of a use listed in subsections (a)-(g) within five hundred (500) feet of the adult-oriented establishment.

(4) No adult-oriented establishment may be established or operated within five hundred (500) feet of another adult-oriented establishment. For the purpose of this subsection, the distance between any two (2) adult-oriented establishments shall be measured in a straight line, without regards to the intervening structures, objects, public right-of-ways, or municipal boundary, from the property lines in which each business is located.

(5) No adult-oriented establishment may be enlarged so as to violate the provisions of this section.

(6) Proposals for adult-oriented establishments shall be approved by the board of zoning appeals as a use on review in accordance with the Town of White Pine Zoning Ordinance. (as added by Ord. #2-05, Feb. 2005)

9-803. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the Town of White Pine without first obtaining a license to operate issued by the Town of White Pine.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license each establishment.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(5) All existing adult-oriented establishments at the time of the passage of this article must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final

reading. If a license is not issued within said one hundred twenty day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with. (as added by Ord. #2-05, Feb. 2005)

9-804. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the Town of White Pine. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the town recorder and to the applicant.

(2) An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five (5) percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

(a) Name and addresses, including all aliases.

(b) Written proof that the individual(s) is at least eighteen (18) years of age.

(c) All residential addresses of the applicant(s) for the past three (3) years.

(d) The applicants' height, weight, color of eyes and hair.

(e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.

(f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of each applicant.

(i) The address of the adult-oriented establishment to be operated by the applicant(s).

(j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.

(k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(l) The length of time each applicant has been a resident of the Town of White Pine, or its environs, immediately preceding the date of the application.

(m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.

(n) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address, phone number, and representative's name.

(p) Evidence in form deemed sufficient to the town that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

(3) Within ten (10) days of receiving the results of the investigation conducted by the White Pine Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied, or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the police chief shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and aldermen at which time the applicant may present evidence as to why his/her license should not be denied. The board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the board of mayor and aldermen and no agreement is reached with the applicant concerning the basis for denial, the town attorney shall institute suit for declaratory judgment in the Chancery Court of Jefferson County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the police chief. (as added by Ord. #2-05, Feb. 2005)

9-805. Standards for issuance of license. (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age.

(ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:

(i) All officers, directors and stockholder required to be named under § 9-804 shall be at least eighteen (18) years of age.

(ii) No officer, director or stockholder required to be named under § 9-804 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

(ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have

been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the White Pine Police Department has investigated the applicant's qualification to be licensed. The results of that investigation shall be filed in writing with the police chief no later than twenty (20) days after the date of the application. (as added by Ord. #2-05, Feb. 2005)

9-806. Permit required. In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief. (as added by Ord. #2-05, Feb. 2005)

9-807. Application for permit. (1) Any person desiring to secure a permit shall make application to the police chief. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the town recorder and to the applicant.

(2) The application for a permit shall be upon a form provided by the police chief. An applicant for a permit shall furnish the following information under oath:

- (a) Name and address, including all aliases.
- (b) Written proof that the individual is at least eighteen (18) years of age.
- (c) All residential addresses of the applicant for the past three (3) years.
- (d) The applicant's height, weight, color of eyes, and hair.
- (e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade names for whom the applicant was employed or associated at the time of such suspension or revocation.
- (g) All criminal statutes, whether federal, state or town ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.
- (i) The length of time the applicant has been a resident of the Town of White Pine, or its environs, immediately preceding the date of the application.

(j) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the White Pine Police Department, the police chief shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the police chief shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and aldermen at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the police chief. (as added by Ord. #2-05, Feb. 2005)

9-808. Standards for issuance of permit. (1) To receive a permit as an employee or entertainer, and applicant must meet the following standards:

(a) The applicant shall be at least eighteen (18) years of age.

(b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.

(c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the White Pine Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the police chief not later than twenty (20) days after the date of the application. (as added by Ord. #2-05, Feb. 2005)

9-809. Fees. (1) A license fee of five hundred dollars (\$500) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(2) A permit fee of one hundred dollars (\$100) shall be submitted with the application for a permit. If the application is denied, one-half (½) of the fee shall be returned. (as added by Ord. #2-05, Feb. 2005)

9-810. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the White Pine Police Department, or any person designated by the board of mayor and aldermen. (as added by Ord. #2-05, Feb. 2005)

9-811. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the town recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(2) A license renewal fee of five hundred dollars (\$500) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

(3) If the White Pine Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the police chief.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the town recorder and to the employee. The application for renewal shall be upon a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(5) A permit renewal fee of one hundred dollars (\$100) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the fee shall be returned.

(6) If the White Pine Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief. (as added by Ord. #2-05, Feb. 2005)

9-812. Revocation of license or permit. (1) The police chief shall revoke a license or permit for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the town council pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the town council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

(e) An operator employs an employee who does not have a permit or provide space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

(i) Any operator allows continuing violations of the rules and regulations of the Jefferson County Health Department.

(j) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The police chief, before revoking or suspending any license or permit shall give the operator or employee at least ten (10) days written notice of the charges against him or her and the opportunity for a public hearing before the board of mayor and aldermen, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator. Such license shall thereby become null and void.

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license. (as added by Ord. #2-05, Feb. 2005)

9-813. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Mondays through Saturdays, and between the hours of 1:00 A.M. and 12:00 P.M. on Sundays.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the White Pine Department, the Jefferson County Sheriff's Department, or such other persons as the board of mayor and aldermen may designate. (as added by Ord. #2-05, Feb. 2005)

9-814. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the board of mayor and aldermen. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the White Pine Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such

act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the White Pine Police Department at all reasonable times.

(6) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(9) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is Regulated by the Town of White Pine Municipal Code. Entertainers are:

1. Not permitted to engage in any type of sexual conduct.
2. Not permitted to expose their sex organs.
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

(as added by Ord. #2-05, Feb. 2005)

9-815. Prohibition and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.

(3) No operator, entertainer, or employee shall encourage or permit any other person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals of any other person.

(4) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

(5) No entertainer, employee or customer shall be permitted to have any physical contact with any other on the premises during any performance and all performances shall only occur upon a stage at least eighteen (18") above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer. (as added by Ord. #2-05, Feb. 2005)

9-816. Penalties and prosecution. (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #2-05, Feb. 2005)

CHAPTER 9

SHORT-TERM RENTAL RESIDENCE REQUIREMENTS

SECTION

9-901. Short-term rental residences.

9-901. Short-term rental residences. The county has determined that passage of a "generally applicable local law" incorporated within the zoning resolution for the regulation of short-term rental residences is necessary to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the areas and methods of operation. All persons or entities that were operating short-term rentals prior to _____, 2022 and have confirmed prior operation by the remittance of taxes due on rental property pursuant to title 67, chapter 6, part of the Tennessee Code Annotated for filing periods that cover at least six (6) months within the twelve (12) month period prior to the effective date of the applicable requirements of the zoning resolution are not subject to these requirements. Following the noted effective date, operation of short-term rental residences within the county must adhere to the following standards and requirements:

- (1) A valid business license must be obtained from the county.
- (2) An application for a Short-Term Residential Permit (STRP) must be approved by the county. As part of the application, the property owner or management company must confirm tax registration on the Tennessee Taxpayer Access Point (TNTAP) for applicable sales and use taxes within the jurisdiction that the rental is operating has been completed to ensure remittance of appropriate taxes to the county.
- (3) Submittal of an Affidavit of Life Safety Compliance certifying installation of smoke alarms, a carbon monoxide detector, and a fire extinguisher. The affidavit must also include the number and location of this equipment.
- (4) The property owner must confirm effective comprehensive commercial insurance coverage of a minimum of one million dollars (\$1,000,000.00) for liability and property damage. (Preferably coverage specifically for short-term rentals.)
- (5) The applicant must sign an indemnification form to hold the county harmless related to the rental operation.
- (6) The building in which the short-term residential rental operates from shall be in compliance with all applicable building, housing, fire, and other adopted codes.
- (7) The short-term residential rental is considered the principal use of the property under county zoning. The county is not responsible for enforcing any private restrictions, deed restrictions, private covenants, or other private controls applicable to property with a short-term residential rental operation.

(8) Administrative plan approval is required prior to operation of the short-term rental. The plan shall include the location of the operation, approximate square footage, ingress/egress, available parking, and a floor plan depicting all exits and the locations of the required life safety equipment.

(9) Occupancy limits require no more than eight (8) renters allowed at any one time on the rental property to minimize any life-safety issues and noise levels.

(10) There will be a minimum distance of five hundred feet (500') between individual short-term rentals.

(11) Perimeter fencing at least four feet (4') in height around pools on the property is required.

(12) The property owner operating a short-term rental following the effective date of passage of these requirements may continue to operate such use with a valid business license and STRP until such time as property is sold, transferred, or discontinues operation for at least thirty (30) continuous months. (as added by Ord. #8-22, October 2022 *Ch15_11-07-23*)

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

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

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence, business or public street 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 running at large.
- 10-108. Possession of class I exotic animals prohibited.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1978 Code, § 3-101)

10-102. Keeping near a residence, business or public street restricted. No person shall keep, harbor or confine any animal or fowl enumerated in the preceding section within three hundred feet (300') of any residence, place of business, or public street except where a limited number of domestic chickens are kept, in which case, a total number not to exceed nine (9) hens and (1) rooster may be kept and maintained within one hundred feet (100') of any residence, place of business, or public street. (1978 Code, § 3-102, as amended by Ord. #4-98, June 1998, and replaced by Ord. #7-13, July 2013)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1978 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. (1978 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. (1978 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1978 Code, § 3-106)

10-107. Seizure and disposition of animals running at large. The owner, if known, of any animal or fowl reported running at large will be contacted by a police officer and advised of the town ordinance prohibiting animals running loose and order the owner to contain the animal or fowl behind a fence or by leashing. The officer may, at his discretion, give the owner a warning or issue a citation for the offense.

If the owner is not known, the county humane officer will be contacted to come and pick up the animal or fowl. The humane officer shall take the animal or fowl to the county animal shelter for confinement until the animal or fowl is picked up by the owner or euthanized according to the shelter's policies. (1978 Code, § 3-107)

10-108. Possession of class I exotic animals prohibited. It shall be unlawful for any person to possess, transport, import, export, buy, sell, barter, propagate or transfer wildlife classified as Class I, pursuant to Tennessee Code Annotated, § 70-4-402, as amended. Any violation of this section shall be punishable as a misdemeanor and otherwise as provided by Tennessee Code Annotated, § 70-4-415. (1978 Code, § 3-108)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs.
- 10-205. Noisy dogs prohibited.
- 10-206. 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. (1978 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1978 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1978 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. (1) Definition of terms:

- (a) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog, or the parents or guardian of a child claiming ownership.
- (b) "Vicious dog" means:
 - (i) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
 - (ii) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter; or

¹State law reference

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

(iii) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting;

(v) Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

(c) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(2) Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

(3) Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(4) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(5) Dog fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(6) Insurance. Owners of vicious dogs must within thirty (30) days of the effective date of the ordinance comprising this section provide proof to the town recorder of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) insuring the owner for any personal injuries inflicted by his or her vicious dog.

(7) Penalties. Whoever violates any provision of this chapter shall be guilty of a gross misdemeanor and may be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00). The conviction of any owner of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall require a confiscation and forfeiture of that animal based on the danger and incorrigibility of owner and animal. Failure to abide by a lawful order of forfeiture is punishable by contempt. (1978 Code, § 3-204, as replaced by Ord. #2-14, June 2014)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1978 Code, § 3-205)

10-206. Seizure and disposition of dogs. The health officer or any policeman may seize any dog found running at large in violation of this chapter.

When any unvaccinated or unregistered dog is seized, it shall not be released until it has been vaccinated and registered. Furthermore, no dog, whether vaccinated and registered or not, shall be released until the person seeking its release has paid all reasonable expenses incurred by the town in seizing and confining it.

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 (1978 Code, § 3-206)

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 to possess.
- 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 Dogs

- (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. (1978 Code, § 3-301)

10-302. Unlawful to possess. It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of White Pine, Tennessee, except that pit bull dogs located within the Town of White Pine, 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. (1978 Code, § 3-302)

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, harbinger, or possessor of a pit bull dog shall register such dog with the city recorder.

(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 Town of White Pine 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 within ten (10) days of the effective date of this chapter 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 within twenty (20) days of the effective date of this chapter provide proof to the White Pine City Recorder 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 White Pine City Recorder.

(7) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must within twenty (20) days of the effective date of this chapter provide to the city recorder 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 White Pine City Recorder 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 a pit bull dog owner, should the owner move within the corporate city limits. (1978 Code, § 3-303)

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 Town of White Pine 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 Town of White Pine. (1978 Code, § 3-304)

10-305. Animals born of registered dogs. All offspring born of pit bull dogs within the Town of White Pine must be removed from the Town of White Pine within six (6) weeks of the birth of such animal. (1978 Code, § 3-305)

10-306. Irrebuttable presumptions. There shall be an irrebuttable presumption that any dog registered with the Town of White Pine 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. (1978 Code, § 3-306)

10-307. Failure to comply. It shall be unlawful for the owner, keeper, harbinger, or possessor of a pit bull dog within the Town of White Pine 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 Town of White Pine. (1978 Code, § 3-307)

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 Town of White Pine. Should the defendant refuse to remove the dog from the Town of White Pine, 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 person's failure to abide by the provisions of this chapter. (1978 Code, § 3-308)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

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

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption of such beverage. (1978 Code, § 10-228)

¹Municipal code references

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

²Municipal code reference

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

State law reference

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

11-102. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1978 Code, § 10-222, modified)

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

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to engage in the occupation, trade, business, or profession of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other such mystic for the purpose of disclosing the past or foretelling the future of any person or thing. (1961 Code, Sec. 5-601)

CHAPTER 3

DELETED.1

This chapter was deleted by Ord. #1-06, March 2006. (1978 Code, § 10-201, as deleted by Ord. #1-06, March 2006)

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. (1978 Code, § 10-202)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1978 Code, § 10-233)

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 town 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 town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1978 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1978 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. (1978 Code, § 10-217)

11-504. Resisting or interfering with town 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 in the discharge or apparent discharge of his duty. (1978 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. (1978 Code, § 10-230)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

11-601. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1978 Code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person to throw any stone, snowball, bottle, or any other missile maliciously upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1978 Code, § 10-214)

11-603. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1978 Code, § 10-212)

CHAPTER 7

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

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

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1978 Code, § 10-227)

11-702. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1978 Code, § 10-221)

11-703. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1978 Code, § 10-225)

11-704. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1978 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew for minors.
- 11-805. Wearing masks.
- 11-806. Roadblocks.

11-801. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. (1978 Code, § 10-223)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1978 Code, § 10-231)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1978 Code, § 10-226)

11-804. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 P.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1978 Code, § 10-224)

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

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1978 Code, § 10-234)

11-806. Roadblocks. Any organization requesting permission to hold a roadblock inside the town limits must apply for a permit at town hall. The following rules must be followed by participants at the roadblock site:

(1) Permit must be in the possession of one of the on-site participants at all times.

(2) No more than three (3) people are allowed to work the site at one time and only at the following locations: Main Street (a) one in the middle of the street in front of the Ramsey Keystone Building adjacent to Jenkins Insurance Co. (b) one in the middle of the street in front of the White Pine Library. A third person is allowed to stand in the middle of east Maple Street only. Absolutely no one is allowed to stand on west Maple between the drug store and hardware.

(3) No one is allowed to participate under eighteen (18) years of age unless accompanied by an adult.

(4) Emergency neon safety vests must be worn by each participant at all times. These will be supplied by the town, if needed, the day prior to the roadblock. The vests must be returned to town hall the following normal business day. A fifty dollar (\$50.00) fee will be charged to the person who signed the permit if vests are not returned or are returned damaged in any way.

(5) No participant shall act in a negligent way by interfering with passing traffic by stepping in front of a vehicle, touching any stopped or passing vehicle, or any other inappropriate behavior that would endanger the participant or motorist. (as added by Ord. #8-08, Sept. 2008)

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. [RESERVED.]
4. FUEL GAS CODE.
5. RESIDENTIAL CODE.
6. ENERGY CONSERVATION CODE.
7. MECHANICAL CODE.
8. EXISTING BUILDING CODE.

CHAPTER 1

BUILDING CODE

SECTION

- 12-101. Effect of conflict between codes.
- 12-102. Building code adopted.
- 12-103. Amendments.
- 12-104. Location of code.
- 12-105. Repealed.
- 12-106. Permits and inspections.

12-101. Effect of conflicts between codes. If the provisions of any of the codes contained in this chapter conflict with the fire prevention chapter, the more stringent provisions shall control; provided however, that, if there are conflicts between the 2018 International Building Code and the 2018 Life Safety Code, NFPA 101,² and the code officials cannot reasonably determine which provision is more stringent, the provisions of the 2018 International Building Code shall control. If there is a conflict between the referenced code sections in both NFPA 101 and the IFC the section governing referenced standards in

¹Municipal code references

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

²Municipal code reference

Fire code: title 7, chapter 2.

NFPA 101 shall apply. (1978 Code, § 4-101, as amended by Ord. #13-95, Oct. 1995, and replaced by Ord. #7-05, May 2005, Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2021 **Ch15_11-07-23**)

12-102. Building code adopted. The town hereby adopts the 2018 edition of the International Building Code,¹ published by the International Code Council, Inc., by reference, as if set out at length in this section, with amendments set out in this article. (1978 Code, § 4-102, as replaced by Ord. #7-05, May 2005, Ord. #3-13, April 2013, and Ord. #11-21 **Ch15_11-07-23**)

12-103. Amendments. The code adopted by this article is amended as provided in this section (the section identifiers contained within these amendments conform to the 2018 International Building Code):

Exhibit I

Section [A] 101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert "White Pine, Tennessee" in its place.

Section [A] 101.2.1 Appendices.

Section 1612.3

Section K103.1 Exception

At the end of the section insert "Compliance with the State of Tennessee electrical inspectors permitting and inspection requirements shall be deemed to comply with the regulations contained herein."

(as added by Ord. #1-04, Feb. 2004, and replaced by Ord. #7-05, May 2005, Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2022 **Ch15_11-07-23**)

12-104. Locations of code. (1) A copy of the 2018 edition of the International Building Code, published by the International Code Council, Inc., shall be obtained and retained as a public record by the White Pine Department of Code Administration.

(2) If any person is cited in violation of this article, a notation shall be included in such citation identifying with specificity where a copy of such code is located and the hours during which such person has the opportunity to read or inspect such code or document. (1978 Code, § 4-103, as renumbered by Ord. #1-04, Feb. 2004, and replaced by Ord. #7-05, May 2005, Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2021 **Ch15_11-07-23**)

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

12-105. Repealed. (repealed by Ord. #11-21, Oct. 2021 *Ch15-11-07-23*)

12-106. Permits and inspections. (1) Permits. (a) Requirement. A person, firm or corporation shall not erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any sign, building or structure, nor shall any person, firm or corporation install, enlarge, alter, repair, move, improve, remove, convert or replace any gas system, plumbing system, electrical system or mechanical system of a building or structure, or cause the same to be done, without first obtaining a permit for such project from the chief building official. No plumbing permit or inspection shall be required for the replacement of a plumbing fixture (as defined in the 2012 International Plumbing Code), as long as no drainage pipe, drainage vent, or water supply is being installed or rerouted. No electrical permit shall be required for the installation or replacement of equipment such as lamps and of electrical utilization equipment approved for connection to suitable permanently installed receptacles, replacement of flush or snap switches, fuses, lamp sockets, light fixtures and receptacles, and other minor maintenance and repair work, such as replacing work cords and tightening connections on a wiring device, provided no additional increase in circuit capacity is required. No electrical permit shall be required for the process of manufacturing, testing, servicing or repairing electrical equipment or apparatus. The foregoing exceptions do not relieve any person, firm or corporation from the obligation to meet all applicable code requirements regarding the work performed. Notwithstanding any provision to the contrary, the chief building official in his/her discretion may require permits on any of the foregoing listed items, when he/she deems it necessary for the public's safety and welfare.

(b) Drawings and specifications to be submitted for review. Two (2) or more copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work shall accompany the application for a permit. Such drawings and specifications shall be in a form approved by the chief building official such as traditional paper drawings or electronic graphic files submitted on CD or other equivalent storage media.

(c) Permit fees and assessments. Permit fees and assessments under this title shall be fixed from time to time by the board of mayor and alderman and posted in the office of the chief building official.

(d) Expiration of permits. Permits issued under this section shall be valid for a period of two (2) years from the date of the issuance of the permit at which time said permit shall automatically expire if it has not already been revoked or suspended prior to its expiration pursuant to the provisions of this title. In the event of the expiration of a permit required by this section prior to the completion of the project for

which the permit was issued, the expired permit holder shall be required to apply for a subsequent permit which shall be issued based upon the permit fee schedule then in effect prior to any further activity on the project for which the permit was originally issued; provided that the chief building official, in his or her sole and absolute discretion, may waive the fee required for issuance of the subsequent permit for good cause shown that the delay in completion of the project for which the original permit was issued is due to circumstances outside the control of the permit holder.

(2) Inspections. (a) Requirements. It shall be the duty of the chief building official to inspect or cause to be inspected, and reject or approve, all work for which permits are required and to issue, or cause to be issued, orders for the modification, repair or improvement of any construction, installation, equipment or appliances not in conformity with the requirements of this title.

(b) Inspection fees. An inspection fee as fixed from time to time by the board of mayor and alderman and posted in the office of the chief building official shall be imposed on any contractor/owner for the fourth and each additional inspection of the same type and location. (as added by Ord. #10-15, Dec. 2015)

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
 12-202. Amendments.
 12-203.--12-204. Repealed.

12-201. Plumbing code adopted. The town hereby adopts the 2018 edition of the International Plumbing Code,² published by the International Code Council, Inc., by reference, as if set out at length in this section, with the amendments set out in this article. (1978 Code, § 4-201, as amended by Ord. #13-95, Oct. 1995, and replaced by Ord. #10-05, May 2005, Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

12-202. Amendments. The code adopted by this article is amended as provided in this section (the section identifiers contained within these amendments conform to the 2018 International Plumbing Code):

Exhibit VI

Amendments to the 2018 International Plumbing Code

Section [A] 101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert in its place "White Pine, Tennessee".

Section [A] 101.2 Scope.

At the end of the first paragraph insert "The following Appendices are specifically included in the adoption. All others are excluded.

Appendix B. Rates of Rainfall for Various Cities

Appendix C. Structural Safety

Appendix D. Degree Day and Design Temperatures

Appendix E. Sizing of Water Piping System"

¹Municipal code references

Cross connections: title 18.

Permits and inspections: § 12-106.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

Any work performed under the plumbing code is subject to the requirements of § 12-106.

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

(1978 Code, § 4-202, as replaced by Ord. #10-05, May 2005, and Ord. #3-13, April 2013, amended by Ord. #3-15, June 2015, and replaced by Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

12-203.--12-204. Repealed. (repealed by Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

CHAPTER 3

RESERVED FOR FUTURE USE¹

¹This chapter was deleted and reserved by Ord. #3-13, April 2013.

CHAPTER 4

FUEL GAS CODE¹

SECTION

- 12-401. Fuel gas code adopted.
 12-402. Amendments.
 12-403.--12-404. Repealed.
 12-405.--12-412. [Deleted.]

12-401. Fuel gas code adopted. The town hereby adopts the 2018 edition of the International Fuel Gas Code,² published by the International Code Council, Inc., by reference, as if set out at length in this section, with the amendments set out in this article. (1978 Code, § 4-401, as replaced by Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

12-402. Amendments. The code adopted by this article is amended as provided in this section (the section identifiers contained within these amendments conform to the 2018 International Fuel Gas Code):

Exhibit III

Amendments to the 2018 International Fuel Gas Code

Section [A] 101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert "White Pine, Tennessee" in its place.

Section [A] 101.3 Appendices.

Insert "The following Appendices are specifically included in the adoption. All others are excluded.

Appendix A. Sizing and Capacities of Gas Piping (IFGS)

Appendix B. Sizing and Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents (IFGS)

¹Municipal code reference

Gas system administration: title 19, chapter 2.

Permits and inspections: § 12-106.

Any work performed under the gas code is subject to the requirements of § 12-106.

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

Appendix C. Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems (IFGS)

Appendix D. Recommended Procedure for Safety Inspection of an Existing Appliance Installation (IFGS)"

Section [A] 106.6.3 Fee refunds.

Delete Section 106.6.3 in its entirety including the section number and title.

Section [A] 108.4 Violation penalties.

Delete "guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment" and insert "subject to penalties as prescribed by law" in its place.

Section [A] 108.5 Stop work orders.

Delete "liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "subject to penalties as prescribed by law" in its place.

Section 109 (IFGC) Means of Appeal.

Delete section 109 in its entirety and insert "The Board of Construction Appeals shall be as established and regulated by the 2018 International Building Code." In its place.

(1978 Code, § 4-402, as amended by Ord. #13-95, Oct. 1995, modified, and replaced by Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

12-403.--12-404. Repealed. (as repealed by Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

12-405.--12-412. Deleted. (1978 Code, §§ 4-405-4-412, as deleted by Ord. #3-13, April 2013)

CHAPTER 5

RESIDENTIAL CODE¹

SECTION

- 12-501. Residential code adopted.
- 12-502. Local modifications.
- 12-503. Availability of code for inspection.
- 12-504. Violations, remedies and penalties.

12-501. Residential code adopted. Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 25, 26, 27, 28, 29, 30, 31, 32 of the International Residential Code for One- and Two-Family Dwellings,² 2018 edition, with Appendices B, C, F, N, and P as prepared and adopted by the International Code Council, is/are hereby adopted and incorporated by reference as a part of this ordinance, except as otherwise specifically stated in this ordinance, and is hereinafter referred to as the "one- and two-family dwelling code." The one- and two-family dwelling code is adopted for the purpose of regulating residential dwelling, including construction, alteration, repair, use, occupancy, location, and maintenance of every detached one- or two-family dwellings and one-family townhouses not more than three stories in height, and their accessory structures. (1978 Code, § 4-501, as amended by Ord. #13-95, Oct. 1995, replaced by Ord. #6-05, May 2005, Ord. #3-13, April 2013, and Ord. #10-21, Oct. 2021 *Ch 15_11-07-23*, and amended by Ord. #11-21, Oct. 2021 *Ch_11-07-23*)

- 12-502. Local modifications.** (1) White Pine WILL NOT adopt the following chapters: 19, 20, 21, 22, 23, 24, 33, 34,35,36,37,38,39,40,41,42,43,44,
- (2) White Pine WILL NOT adopt the following appendices: A, C, E, G, H, I, J, K, L, M, O, Q.
- (3) When the International Residential One- and Two-Family Dwelling Code refers to the duties of certain officials named therein, that designated official in White Pine, who has duties corresponding to those of the named official in said "code" are concerned.
- (4) The following provisions are added at the beginning of the code above Chapter 1: Administration:

¹Municipal code reference

Permits and inspections: § 12-106.

Any work performed under the residential code is subject to the requirements of § 12-106.

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

QUALITY CONTROL AND EVALUATION AND CERTIFICATION OF MATERIALS AND WORKMANSHIP IS NOT WITHIN THE PURVIEW OF THIS CODE EXCEPT AS SUCH RELATES TO THE PURPOSES DESCRIBED HEREIN.

THE PERMITTING OR INSPECTION OF ANY BUILDING, PLAN, OR STRUCTURE DESCRIBED IN THIS CODE SHALL NOT BE CONSTRUED OR ACT AS A WARRANTEE OF THE PHYSICAL CONDITION OF ANY BUILDING OR STRUCTURE OR THE ADEQUACY OF ANY PLAN. NEITHER WHITE PINE AND/OR ANY AGENT, EMPLOYEE OR REPRESENTATIVE OF WHITE PINE SHALL BE LIABLE UNDER ANY THEORY FOR DAMAGES OF ANY KIND, RELATED TO ANY ALLEGED DEFECT, HAZARD, CONDITION, AND/OR INADEQUACY OF ANY KIND OF SUCH BUILDING, STRUCTURE, OR PLAN AND SHALL NOT BE LIABLE FOR ANY ALLEGED FAILURE OF ANY COMPONENT OF SUCH CONSTRUCTION, BUILDING, STRUCTURE OR PLAN, WHICH MAY OCCUR AT ANY TIME, BEFORE, DURING, AND/OR AFTER ANY INSPECTION OR PERMITTING PERFORMED PURSUANT TO THIS CODE.

- (5) Further, the following local amendments are hereby adopted:
 Section R101.1 Title
 Delete "NAME OF JURISDICTION" and replace with "White Pine, Tennessee".

Section R102.5 Appendices.

"The following Appendices are specifically included in the adoption. All others are excluded."

At the end of this section, insert the following:

Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and appliances listed for use with Type B Vents.

Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

Appendix F: Radon Control Methods

Appendix N: Venting Methods

Appendix P: Sizing of Water Piping system

Section 105.2 Work exempt from permit.

Delete Item 1 in its entirety.

Delete "2. Fences not over 7 feet (1829 mm) high," and insert "Fences" in its place.

Table R301.2 (1) Climatic and Geographic Design Criteria.

Insert "10PSF" in the Ground Snow Load

Insert "90" in the table for Wind Speed.

Insert "NO" in the table for Topographic effects.

Insert "C" in the table for Seismic Design Category.

Insert "Severe" in the table for Weathering.

Insert "12 inches" in the table for Frost Line Depth.

Insert "Moderate to Heavy" in the table for Termite.

Insert "19 degrees Fahrenheit" in the table for Winter Design Temp.

Insert "NO" in the table for Ice Barrier Underlayment Required.

Insert "210" in the table for Air Freezing Index.

Insert "59.4" in the table for Mean Annual Temp.

Flood hazard areas shall be as determined by the FEMA Maps.

Section R301.2.2 Seismic provisions.

Delete item 1, renumber item 2 to item 1 and insert "and townhouses" just after the word dwellings and at the end of the section, insert "All references to "townhouses in seismic design category C" in chapters 6, 7, and 28 shall not apply in White Pine.

Section R302.5.1 Opening protection.

Delete the words "equipped with a self-closing device" and insert a period after the word "door."

Section R303.4 Mechanical ventilation.

Add the word "(Optional)". In the section title after the word ventilation. Delete the words "the dwelling unit shall be provided with whole-house mechanical ventilation" and replace with the words "dwelling units provided with wholehouse mechanical ventilation shall be".

Section R313 Automatic Fire Sprinkler System.

Add the words "(Optional, see Tennessee Code Annotated, Section 68-120-101(a)(8))."

Section R313.1 Townhouses automatic fire sprinkler systems.

Delete the words "an automatic residential fire sprinkler system shall be installed in townhouses." And replace with "When an automatic residential fire sprinkler system is installed in townhouses, the following shall apply".

Section R313.2 One and two-family dwellings automatic fire sprinkler systems.

Delete the words "an automatic residential fire sprinkler system shall be installed in one and two- family dwellings." And replace with "When an automatic residential fire sprinkler system is installed in one and two-family dwellings, the following shall apply".

Section R502.11.4 Truss Design Drawings.

Delete "to the building official and approve prior to installation" and replace it with "for review when required by the building official".

Section R802.10.1 Truss Design Drawings.

Delete "to the building official and approve prior to installation" and replace it with "for review when required by the building official". Delete "to the building official and approve prior to installation" and replace it with "for review when required by the building official".

Table N1102.1.1 (R402.1.1) Insulation and Fenestration Requirements by Component.

In the row for climate zone "14 except Marine", Ceiling Value from "R49" to R-38", and change the Wood Frame Wall R-Value from "20" or "13+5" to "13".

Section N1102.2.6 (r402.2.6) Steel-Frame ceilings, walls, and floors.

After the first occurrence of the word "of" insert "TableN1102.1.1 OR"

Section N1102.4.1.1 (R102.4.1.1) Installation.

Add the words "and visual inspection option" after the word "installation" in the section title. Add the words "and be field verified" after the word "construction".

Section N1102.4.1.2 (R402.4.1.2) Testing

Add the word "(optional)" after the word "Testing" in the section title. Before the first sentence insert "Where required by the building official".

Section N1103.1.1 (R403.1.1) Programmable thermostat.

Add the word "(optional)". After the word "thermostat" in the section title. Before the first sentence insert "Where required by the building official".

Section N1103.2.2 (R403.2.2) Sealing (Mandatory).

Before the words "Duct" insert "Where required by the building official".

Section N1103.6 (R403.6) Mechanical Ventilation (Mandatory).

Delete the word "Mandatory" and replace with word "Optional" in the section title. Delete "The building shall be provided with ventilation that meets" and replace with "Buildings provided with ventilation shall meet".

Section N1103.9 (R403.9) Pools and in ground permanently installed spas (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title. Before the first sentence insert "Where required by the building official".

Section N1103.10 (R403.10) Pools and permanent spa energy consumption (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title. Before the first sentence insert "Where required by the building official".

Section P2603.5.1 Sewer depth.

Delete "(NUMBER)" in two places and insert "twelve inches" in two places".

Section AF1036.5.3 Vent pipe

At the end of the section insert "Exception: The vent pipe shall be allowed to terminate in the attic and may be capped unless tests verify the radon potential to be 4 pCi/L or greater".

Section AF103.12 Power Source.

Delete Section AF103.12 in its entirety.

(1978 Code, § 4-502, as replaced by Ord. #6-05, May 2005, Ord. #3-13, April 2013, and Ord. #10-21, Oct. 2021 *Ch15_11-07-23*)

12-503. Availability of code for inspection. A copy of the International Residential One- and Two-Family Dwelling Code shall be filed in the office of the zoning officer, building official, and/or county clerk and there kept for public use, inspection and examination. (1978 Code, § 4-503, as replaced by Ord. #6-05, May 2005, Ord. #3-13, April 2013, and Ord. #10-21, Oct. 2021 *Ch15_11-07-23*)

12-504. Violations, remedies and penalties. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. The town attorney or any official vested with the powers of enforcing the provisions of any code may, in addition to any other remedies provided by law, institute an injunction to prevent the violation of any provision of such code. Additional and/or supplemental penalties shall also be as described in Tennessee Code Annotated, § 5-20-101, et seq. (1978 Code, § 4-509, as deleted by Ord. #6-05, May 2005, and replaced by Ord. #3-13, April 2013, and Ord. #10-21 *Ch15_11-07-23*)

CHAPTER 6

ENERGY CONSERVATION CODE¹

SECTION

- 12-601. Energy conservation code adopted.
 12-602. Amendments.
 12-603.--12-604. Repealed.

12-601. Energy conservation code adopted. The town hereby adopts the 2018 edition of the International Energy Conservation Code,² published by the International Code Council, Inc., by reference, as if set out at length in this section, with the amendments set out in this article. (as replaced by Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

12-602. Amendments. The code adopted by this article is amended as provided in this section (the section identifiers contained within these amendments conform to the 2018 International Energy Conservation Code):

Exhibit XI

Amendments to the 2018 International Energy Conservation Code

Section C101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert "White Pine, Tennessee" in its place.

Section R101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert "White Pine, Tennessee" in its place.

Section R101.5 Compliance.

Just after the first occurrence of the word "provisions" insert "or Chapter 11, Energy Efficiency, of the International Residential Code"

¹Municipal code references

Fire protection, fireworks, and explosive: title 7.

Permits and inspections: § 12-106.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

Any work performed under the energy code is subject to the requirements of § 12-106.

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

"The following Appendices are specifically included in the adoption. All others are excluded.

- Appendix A Employee Qualifications
- Appendix B Board of Appeals
- Appendix E Supplementary Accessibility Requirements
- Appendix F Rodent Proofing
- Appendix I Patio Covers
- Appendix J Grading
- Appendix K Administrative Provisions"

Section [A] 101.4.3 Plumbing.

Delete "International Private Sewage Disposal Code" and replace with "Jefferson County Health Department".

Section [A] 110.3.3 Lowest floor elevation.

See Ordinance #10-08, White Pine Flood Ordinance, Ordinance #6-10

Section [F] 907.2.10.1 Group R-1.

Insert "4. In each garage or storage area with a six foot or wider door to the outside."

Section [F] 907.2.10.2 Groups R-2, R-3, R-4, and 1-1

Insert "4. In each private garage or storage area with a six foot or wider door to the outside."

Section 1004.5 Areas without fixed seating

Insert "fire code official or" just prior to "building official" in both occurrences.

Section 1004.5.1 Increased occupant load.

Insert "fire code official or" just prior to "building official" in both occurrences.

Section 1004.7 Outdoor areas.

Insert "fire code official or" just prior to "building official".

Section 1015.2 Where required.

Delete the first sentence and replace with "Guards shall be located along open-sided walking surfaces or ground surfaces including mezzanines, equipment platforms, stairs, ramps, landings, retaining walls and any other locations that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side."

Section 1612.3. Establishment of flood hazard areas.
See Ordinance #10-08 and Ordinance #6-10

Section [P] 2901.1 Scope.
Change "International Private Sewage Disposal Code" to
"requirements of the Jefferson County Environmental"

Section G 102.2 Establishment of flood hazard areas.
On 9/2/2008 and 10/5/2010, Ordinance #10-08 and Ordinance #6-10

Section HI01.2 Signs exempt from permits.
Delete Section HI01.2 in its entirety
(as replaced by Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2021
Ch15_11-07-23)

12-603.--12-604. Repealed. (as repealed by Ord. #11-21, Oct. 2021
Ch15_11-07-23)

CHAPTER 7

MECHANICAL CODE¹

SECTION

- 12-701. Mechanical code adopted.
 12-702. Amendments.
 12-703.--12-704. Repealed.

12-701. Mechanical code adopted. The town hereby adopts the 2018 edition of the International Mechanical Code,² published by the International Code Council, Inc., by reference, as if set out at length in this section, with the amendments set out in this article. (1978 Code, § 4-701, as amended by Ord. #13-95, Oct. 1995, and replaced by Ord. #9-05, May 2005, Ord. #3-13, April 2013, and Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

12-702. Amendments. The code adopted by this article is amended as provided in this section (the section identifiers contained within these amendments conform to the 2018 International Mechanical Code):

Exhibit V

Amendments to the 2018 International Mechanical Code

Section [A] 101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert in its place "White Pine, Tennessee".

(1978 Code, § 4-702, as replaced by Ord. #9-05, May 2005, Ord. #3-13, April 2013, Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

12-703.--12-704. Repealed. (as repealed by Ord. #11-21, Oct. 2021 *Ch 15_11-07-23*)

¹Municipal code references

Permits and inspections: § 12-106.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

Any work performed under the mechanical code is subject to the requirements of § 12-106.

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

CHAPTER 8

EXISTING BUILDING CODE

SECTION

12-801. Existing building code adopted.

12-802. Amendments.

12-801. Existing building code adopted. The town hereby adopts the 2018 edition of the International Existing Building Code,¹ published by the International Code Council, Inc., by reference, as if set out at length in this section, with the amendments set out in this article. (as added by Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

12-802. Amendments. The code adopted by this article is amended as provided in this section (the section identifiers contained within these amendments conform to the 2018 International Existing Building Code):

Exhibit X

Amendments to the 2018 International Existing Building Code

Section [A] 101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert "White Pine, Tennessee" in its place

Section [A] 101.6 Appendices.

Insert "The following Appendices are specifically included in the adoption. All others are excluded.

Appendix A Guidelines For The Seismic Retrofit Of Existing Buildings

Appendix B Supplementary Accessibility Requirements For Existing Buildings and Structures"

(as added by Ord. #11-21, Oct. 2021 *Ch15_11-07-23*)

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

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED OR INOPERABLE VEHICLES.
4. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Blowing mown grass on to town streets prohibited.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. He shall have such powers and duties as are prescribed for such official herein and in the general laws of the state. (1978 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. (1) 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.

(2) It shall be unlawful for any person to kindle any brush or rubbish fire or authorize any such fire to be kindled, with the exception of the listed conditions:

- (a) Non-commercial fires built as per the adopted fire code and used for cooking of food or for ceremonial, recreational, or comfort

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-211(10).

purposes, including barbeques, campfires, and outdoor fireplaces are exempted from non-burning requirements.

(b) If area is over an eight by eight foot (8' X 8') area, property owner will be required to obtain a permit for fire through the White Pine Police Department during normal business hours, Monday -- Friday. (1978 Code, § 8-105, as amended by Ord. #2-17, May 2017)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1978 Code, § 8-106)

13-104. 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 or other harmful animals.

(2) 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.

(3) Notice to property owners. 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, or hand delivered with the deliverer obtaining the owner's signature confirming receipt of the notice. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-110 of the Town of White Pine's Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

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

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

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

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the 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 costs thereof shall be assessed against the owner of the property. The town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the officer of the register of deeds in Jefferson County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

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

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the town 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 (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

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

(9) Violations and penalty. Any person violating this section shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this section. Each day the violation of this section continues shall be considered a separate violation. (1978 Code, § 8-107, as replaced by Ord. #1-13, March 2013)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1978 Code, § 8-108)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1978 Code, § 8-109)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first

duly issued by the building official, as provided for in the building code. (1978 Code, § 8-104)

13-108. Blowing mown grass on to town streets prohibited. It shall be unlawful for any person to allow mown grass, weeds, or any other type debris to be blown on to town streets while mowing or bush hogging property. A first violation will be a warning to the property owner by the code enforcement officer. A second violation will result in a citation into municipal court that can result in a fine, not to exceed fifty dollars (\$50) per day of violation. (as added by Ord. #10-04, Sept. 2004)

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

13-201. Junkyards.

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

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1978 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 OR INOPERABLE VEHICLES

SECTION

- 13-301. Definitions and declaration of nuisance.
- 13-302. Removal and disposition generally.
- 13-303. Vehicles on private property.

13-301. Definitions and declaration of nuisance. (1) For purposes of this article the following words and phrases shall have the indicated meanings:

(a) An "abandoned vehicle" is one that has remained illegally on public property for a period of more than forty-eight (48) hours; or on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

(b) "Inoperable or junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonable safe manner upon the public streets and highways under its own power if self-propelled or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing wheels, or missing or partially disassembled tires and wheels;

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle;

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows;

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever;

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plug, or radiator;

(vi) Interior contains metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method;

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(c) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(2) The presence of an abandoned, dismantled or inoperable motor vehicle on private or public property is hereby declared a nuisance, which may be abated in accordance with the provisions of this article.

(3) This section shall not apply to any vehicle enclosed within a building on private property where neither the vehicle nor any part of it is visible from the street or from any other abutting property, or to any vehicle held in connection with an enterprise lawfully licensed by the town and properly operated in the appropriate zone pursuant to the zoning ordinance of the town, or any vehicle retained by the owner for antique collection purposes. If a vehicle is claimed as "antique" it must be registered and licensed according to the antique motor vehicle state law. (Ord. #2-97, July 1997)

13-302. Removal and disposition generally.

(1) Removal by town. The town, through the police department or other department as designated by the mayor, may take into custody any motor vehicle which is abandoned, wrecked, dismantled or inoperable upon public property, or upon private property with the consent of the owner. The department may employ its own personnel, equipment and facilities or hire persons, equipment and facilities for the purpose of removing, preserving and storing abandoned or inoperable vehicles.

(2) Notice to owner and lienholders. Within fifteen (15) days of the removal of the abandoned or inoperable vehicle, the town shall notify by registered mail, return receipt requested, the last known registered owner of the motor vehicle and all lienholders of record that the vehicle has been taken into custody. The notice shall describe the year, make, model and serial number of the abandoned, wrecked, dismantled or inoperable motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any lienholder of their right to reclaim the motor vehicle within ten (10) days after the date of notice upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody, and state that the

failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle, and consent to the sale of the abandoned or inoperable motor vehicle at a public auction.

If there is no response to the notice by registered mail provided for in subsection (2)(a) of this section, then there shall be notice by one (1) publication in one (1) newspaper of general circulation in the area where the motor vehicle was abandoned. Such notice shall be in a small display ad format, but one (1) advertisement may contain multiple listings of abandoned vehicles.

(3) Sale at public auction. If an abandoned motor vehicle has not been reclaimed within the time allowed, the town shall sell the motor vehicle at a public auction subject to the provisions of TCA 55-16-101, et seq. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving and storing the motor vehicle, and all notice and publication costs incurred pursuant to this article. Any remainder from the proceeds of the sale shall be held for the owner or lienholder for forty-five (45) days and then shall be deposited in the general fund.

(4) Disposition of inoperable vehicles. Notwithstanding any other provisions of this article, the town may dispose of an abandoned automobile found on public or private property without title and without the notification procedures of this section if the motor vehicle is over five (5) years old and has no engine or is otherwise totally inoperable. (Ord. #2-97, July 1997)

13-303. Vehicles on private property. (1) Notice to remove. Upon failure of any owner of property within the limits of the town to remove abandoned and inoperable vehicles as required in this article, the town, acting through the police department or any appropriate department as designated by the mayor, may serve a notice on the owner, lessee, occupant or person having control of the property, notifying any of them of the existence of the nuisance and ordering the person to remove the vehicle from the property within five (5) days of service of notice. Such notice shall be served by:

(a) Personally serving the notice on the owner, lessee, occupant or person having control of such property.

(b) Mailing the notice to the last known address of the owner, lessee, occupant or person having control of the property by certified mail; or

(c) Posting the notice on the vehicle or on the property on which the abandoned, wrecked, dismantled, rusted, junked or inoperable motor vehicle is found.

Service of notice by any of the methods listed in this subsection shall be due notice within the meaning of this section.

(2) Appeal of order to remove. The owner, lessee, occupant or person having control of the property who is aggrieved by the determination of the

order of the town may appeal to the board of mayor and aldermen by appearing before the board at the time and place stated in the notice. The board shall hear and determine the appeal as promptly as practicable but within thirty (30) calendar days of the service of the notice. The decision of the board, together with the reasons, shall be in writing and filed in the office of the city recorder as a public record. The order of the town may be affirmed, reversed or modified by an affirmative vote of the majority of the members of the board. Unless it is made clear that the order is contrary to the provisions of this chapter or other law or ordinance, or is arbitrary and constitutes an abuse of discretion, the board shall affirm the order. An owner, agent or occupant who fails, refuses or neglects to comply with the order shall be in violation of the provisions of this article.

(3) Enforcement and penalty. Any person violating or failing to abide by the procedures of this chapter shall be subject to a civil penalty of \$500 for each separate violation. Each day the violation of this ordinance continues shall be considered a separate violation. (Ord. #2-97, July 1997)

CHAPTER 4

SLUM CLEARANCE

SECTION

- 13-401. Findings of board.
- 13-402. Definitions.
- 13-403. "Public officer" designated; powers.
- 13-404. Initiation of proceedings; hearings.
- 13-405. Orders to owners of unfit structures.
- 13-406. When public officer may repair, etc.
- 13-407. When public officer may remove or demolish.
- 13-408. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-409. Basis for a finding of unfitness.
- 13-410. Service of complaints or orders.
- 13-411. Enjoining enforcement of orders.
- 13-412. Additional powers of public officer.
- 13-413. Powers conferred are supplemental.
- 13-414. Structures unfit for human habitation deemed unlawful.

13-401. 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 town structures which are unfit for human occupation or use 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 town. (as added by Ord. #1-15, Feb. 2015)

13-402. 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 town.

(3) "Municipality" shall mean the Town of White Pine, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

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

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

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

(8) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers 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. #1-15, Feb. 2015)

13-403. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (as added by Ord. #1-15, Feb. 2015)

13-404. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #1-15, Feb. 2015)

13-405. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he or she shall state in writing his or her finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding

fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #1-15, Feb. 2015)

13-406. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #1-15, Feb. 2015)

13-407. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #1-15, Feb. 2015)

13-408. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Jefferson 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 town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure

is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Jefferson County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #1-15, Feb. 2015)

13-409. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation or 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 Town of White Pine. 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. #1-15, Feb. 2015)

13-410. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Jefferson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #1-15, Feb. 2015)

13-411. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court. The remedy provided herein shall be the exclusive remedy and

no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #1-15, Feb. 2015)

13-412. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in compliance with legal requirements for gaining entry;
- (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. #1-15, Feb. 2015)

13-413. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town 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. #1-15, Feb. 2015)

13-414. Structures unfit for human habitation or use deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation or use 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 of fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #1-15, Feb. 2015)

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.

14-101. 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 seven (7) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) 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 five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (1978 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. (1978 Code, § 11-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the Town of White Pine shall be governed by Ordinance #225, titled "Zoning Ordinance of the Town of White Pine, Tennessee," and any amendments thereto.¹

¹Ordinance #225, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map 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 Town of White Pine shall be governed by Ordinance #6-10, titled "Municipal Flood Damage Prevention Ordinance" and any amendments thereto.¹ (Ord. #346, as replaced by Ord. #6-10, Oct. 2010)

¹Ordinance #6-10, 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. FAILURE TO PROVIDE PROOF OF AUTOMOBILE INSURANCE.
9. STATE TRAFFIC OFFENSES AND RULES OF THE ROAD.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. [Deleted.]
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.

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.

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. [Deleted.]
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.

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. (1978 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. (1978 Code, § 9-106)

15-103. [Deleted.] (1978 Code, § 9-107, as deleted by Ord. #1-06, March 2006)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1978 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

(c) Upon a roadway designated and signposted by the town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1978 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1978 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1978 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1978 Code, § 9-113)

15-109. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,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. (1978 Code, § 9-114)

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any

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.

official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1978 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1978 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1978 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1978 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1978 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1978 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1978 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after

sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1978 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1978 Code, § 9-124)

15-119. [Deleted.] (1978 Code, § 9-125, as deleted by Ord. #1-06, March 2006)

15-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1978 Code, § 9-126)

15-121. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1978 Code, § 9-119)

15-122. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or

operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor driven cycle while any other person is a passenger upon said motor vehicle.

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1978 Code, § 9-127)

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. (1978 Code, § 9-102)

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1978 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. (1978 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. (1978 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. (1978 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. (1978 Code, § 9-202)

15-303. In school zones. Generally, pursuant to § 55-8-152, Tennessee Code Annotated, special speed limits in school zones shall be enacted based on an engineering investigation and shall not be less than fifteen (15) miles per hour and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1978 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 within the town at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the town. (1978 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 (1978 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. (1978 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. (1978 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. (1978 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1978 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, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1978 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. (1978 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. (1978 Code, § 9-403)

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

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. (1978 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1978 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. (1978 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

- (1) Green alone, or "Go":
 - (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Steady yellow alone, or "Caution":
 - (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
 - (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.
- (3) Steady red alone, or "Stop":

Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before

entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1978 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1978 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. (1978 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 town shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the town has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1978 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1978 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. (1978 Code, § 9-503)

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

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the city. (1978 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1978 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. (1978 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Failure to comply with parking citations.
- 15-704. Illegal parking.
- 15-705. Impoundment of vehicles.
- 15-706. Disposal of abandoned motor vehicles.
- 15-707. Violation and penalty.

15-701. Issuance of traffic citations. When a police officer of the city halts a traffic violator other than for the purpose of giving a warning, the officer shall issue to the violator a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. In the event said violator refuses to sign the traffic citation agreeing to appear in court and to waive the issuance and service upon him of a warrant, then it shall be the duty of the officer in whose presence the offense is committed, forthwith to place said offender under arrest and take him before the proper authority, procure a warrant, serve the same upon the violator and book him as in other cases of violations, and the authority issuing the warrant shall take bail from the accused for appearance in court for trial, or in lieu thereof commit the offender to jail. In lieu of arrest or posting of bail, the offender may choose to deposit his chauffeur's or operator's license with the police officer.

Whenever any person deposits his chauffeur's or operator's license as provided above, either the officer or the court shall issue said person a receipt for said license upon a form approved or provided by the Department of Safety. (1978 Code, § 9-602)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court upon the issuance of a traffic citation. The clerk or city judge accepting a license stall thereafter forward to the Department of Safety, the license of a driver deposited in lieu of bail if the driver fails to appear in answer to the charge filed against him. (1978 Code, § 9-603)

15-703. Failure to comply with parking citations. If a violator does not appear in response to a traffic citation affixed to such motor vehicle within a period of seven (7) days, the chief of police shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter reminding him of his prima facie responsibility for the violation and warning him that in the event such letter is disregarded for a period of seven (7) additional days a warrant of arrest will be secured. (1978 Code, § 9-605)

15-704. 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 seven (7) days during the hours and at a place specified in the citation. (1978 Code, § 9-604)

15-705. Impoundment of vehicles. (1) Members of the police department are hereby authorized to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs or until it is otherwise lawfully disposed of. After the first twenty-four (24) hours, a daily storage fee of thirty dollars (\$30.00) per twenty-four (24) hour day shall be imposed on vehicles that are released back to the owner after a hearing or after a seizure hearing. The owner of a vehicle impounded pursuant to this division or his authorized agent may make application to take possession of the vehicle and remove such vehicle from the vehicle pound upon presentation of an application for certificate of title or a certificate of title, and upon payment of the cost of towing the vehicle and all charges which may have accrued for the storage of the vehicle. However, payment of towing and storage fees shall not relieve the owner of responsibility for the violation.

(2) Any owner who requests a hearing pursuant to § 15-705 may obtain the release of his vehicle from the pound without prepayment of any towing or storage costs; provided, however, as security for the impoundment costs, he shall either make a cash deposit or execute a bond with one (1) or more sureties as approved by the chief of police, payable to the town, in a sum equal to the total impoundment fees at the time of release of the vehicle.

(3) In each case the officer in charge shall notify the recorder, who shall give a proper receipt for the fee paid, cash deposit, or bond.

(4) No owner of a vehicle shall evade the payment of any pound fee provided for in this division by representing that he was not operating the vehicle himself at the time of the violation charged. (1978 Code, § 9-601, as amended by Ord. #7-15, June 2015)

15-706. 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. (1978 Code, § 9-605)

15-707. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows: Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

CHAPTER 8

FAILURE TO PROVIDE PROOF OF AUTOMOBILE INSURANCE

SECTION

15-801. Compliance with financial responsibility law required.

15-801. 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 a moving violation under title 44, chapters 8 and 10, parts 1-5, chapter 50; and provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

3. For the purpose of this section, "financial responsibility" means:

a. Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

b. A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

c. The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

4. Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). 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 town'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. #1-02, April 2002)

CHAPTER 9**STATE TRAFFIC OFFENSES AND RULES OF THE ROAD****SECTION**

15-901. Adoption of state traffic statutes.

15-901. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302, the Town of White Pine adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the Town of White Pine adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, § 55-12-139 and § 55-21-108 by reference as if fully set forth in this section. (as added by Ord. #2-09, June 2009)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PROPERTY NUMBERING SYSTEM.
4. STREET NAME SYSTEM.
5. PROHIBITION OF PLAY VEHICLES ON PUBLIC WAYS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1978 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1978 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1978 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted.

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1978 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted.

It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1978 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. (1978 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1978 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1978 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. (1978 Code, § 12-109)

¹Municipal code reference

Building code: title 12, chapter 1.

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. (1978 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1978 Code, § 12-111, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1978 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. (1978 Code, § 12-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.
- 16-211. Protection of adjoining property.

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. (1978 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

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).

agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1978 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1978 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. (1978 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. (1978 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within twenty-four (24) hours, the town will do the work and charge the expense

of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1978 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 \$200,000 for each accident, and for property damages not less than \$50,000 for any one (1) accident, with an aggregate of \$100,000 for all accidents. (1978 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1978 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1978 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. (1978 Code, § 12-210)

16-211. Protection of adjoining property. Any person, firm, corporation, association, or others, shall at all times, and at their own expense, preserve and protect from damage any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, permission shall be obtained from the owner of the private property for such purpose. The contractor shall, at his own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property resulting from his failure to properly protect and carry out said work. Whenever it may be necessary for the contractor or person to trench through any lawn the area shall be restored to its original condition. (1978 Code, § 12-211)

CHAPTER 3

PROPERTY NUMBERING SYSTEM

SECTION

- 16-301. Uniform numbering system adopted.
- 16-302. Assignment and display of numbers.
- 16-303. Administration.
- 16-304. Violations.

16-301. Uniform numbering system adopted. A uniform system of numbering properties and principal buildings, as established by the Jefferson County Emergency Communication District, as shown on a map filed in the office of the recorder, is hereby adopted for use in the Town of White Pine, Tennessee. This map and all explanatory matter thereon, is hereby adopted and made a part of this chapter. (1978 Code, § 12-301)

16-302. Assignment and display of numbers. (1) All properties or parcels of land within the corporate limits of White Pine, Tennessee, shall hereafter be identified by reference to the uniform numbering system adopted herein. All existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed immediately to conform to the system herein adopted.

(2) A separate number shall be assigned for each 50 feet of frontage in most parts of town and each 25 feet in the central business district as shown on the map.

(3) Even numbers shall be assigned on the east side of north-south streets and the north side of east-west streets. Odd numbers shall be assigned on the west side of north-south streets and the south side of east-west streets.

(4) A structure on a corner lot shall be assigned a number on the street it is facing. If it has two entrances which appear to both be "front" entrances, the number on the more significant street shall be assigned.

(5) Each individual business fronting on a public street shall be given a separate number. Doorways leading to several businesses or offices via a hallway or stairs shall be given one number and the individual business distinguished by alphabetical letters.

(6) Multi-unit residential developments (mobile home parks, apartments, and duplexes) if assigned one street number, shall distinguish each individual unit by the letters A, B, C, etc. or apartment numbers such as 201, 202, 203, etc.

(7) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. (1978 Code, § 12-302)

16-303. Administration. (1) The building inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility, this person shall be guided by the provisions of § 16-302 of this chapter.

(2) The recorder or inspector shall keep a record of all numbers assigned under this chapter. (1978 Code, § 12-303)

16-304. Violations. Violation of this chapter shall be punishable under the general penalty clause of this code. (1978 Code, § 12-304, modified)

CHAPTER 4

STREET NAME SYSTEM

SECTION

16-401. Street name system established.

16-402. Rules for establishing street names.

16-401. Street name system established. There is hereby established an official system of street names in White Pine, Tennessee, as reflected on the map entitled Official Street Name Map, White Pine, Tennessee, and as adopted and certified by the municipal planning commission. A copy is attached and made an official part of this chapter. (1978 Code, § 12-501)

16-402. Rules for establishing street names. All names of all streets in White Pine, Tennessee, shall remain as shown on said map unless officially changed by specific ordinances passed subsequent to the effective date of this section. The city shall not accept or improve any right-of-way within the corporate limits until such right-of-way has been named in accordance with other provisions or regulations of this town. All extensions of existing streets shall be so named with the extension, and if a new name, then the name shall not duplicate or be similar to other street names already assigned. (1978 Code, § 12-502)

CHAPTER 5**PROHIBITION OF PLAY VEHICLES ON PUBLIC WAYS****SECTION**

16-501. Prohibition of play vehicles on public ways.

16-501. Prohibition of play vehicles on public ways. It shall be unlawful for any person to use roller skates, coasters, skateboards, or any similar vehicle or toy or article on wheels or a runner on any public street, roadway, alley, sidewalk, or other public building or public place, except in such areas as may be specifically designated for such purpose by the board of mayor and aldermen. The aforementioned prohibited vehicle list, with the addition of bicycles, also applies to designated walking trails. Baby strollers pushed by walkers are not prohibited on a walking trail. (1978 Code, § 12-601, as amended by Ord. #5-02, Aug. 2002)

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. Containerized garbage collection system.
- 17-104. Tree trimmings and similar materials.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Commercial garbage fees.
- 17-110. Commercial mobile home park and commercial apartment complex collection.
- 17-111. Disposal of hypodermic needles and syringes.
- 17-112. Monthly residential garbage pickup fee.

17-101. Refuse defined. Refuse shall mean and include garbage, and rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1978 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1978 Code, § 8-202)

17-103. Containerized garbage collection system. (1) The Town of White Pine provides one (1) wheeled container to each property owners home, or leased/rented home.

¹Municipal code reference

Property maintenance regulations: title 13.

(2) It is the responsibility for home owners/renters, to make sure the container is not removed from the premises, and

(3) If the container is stolen or missing from the residence, the property owner will be responsible for purchasing another container at one hundred fifty dollars (\$150.00). If a resident would like an additional container, the price will be one hundred fifty dollars (\$150.00) per can. If the owner refuses to purchase another container to replace the missing one, all garbage collection at this residence will cease. Property owner will then be responsible for keeping all garbage hauled off the property. Failure to do so could result in an ordinance violation with a written citation. (1978 Code, § 8-203, as replaced by Ord. #4-06, April 2006, as replaced by Ord. #6-21, June 2021 *Ch15_11-07-23*)

17-104. Tree trimmings and similar materials. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four feet (4'). These materials should be placed at the curb with cut-end toward the street in an orderly manner. If a professional tree trimmer cuts a tree, or trims shrubbery or limbs of a tree, the company must haul off all debris from property.

No brush larger than eight inch (8") diameter will be picked up by the town. If brush is not stacked in an orderly manner, it will not be picked up by the town until it has been re-stacked.

No building materials of any kind shall be picked up. This includes wood as well.

A fee of twenty-five dollars (\$25.00) will be paid to town hall for items that will not fit in a chipper or if homeowner has no means to dispose of. This fee must be paid before item(s) are picked up. If more than one (1) load is required, home owner must pay an additional fee of twenty-five dollars (\$25.00).

In the case of severe weather, these rules will still be in effect. However, the public works director may designate an assigned area where property owners can bring brush items only if mass damage has occurred. (1978 Code, § 8-204, amended by Ord. #12-97, Nov. 1997, and Ord. #12-04, Nov. 2004, replaced by Ord. #4-06, April 2006, and amended by Ord. #04-11, Oct. 2011)

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. (1978 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (1978 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1978 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1978 Code, § 8-208)

17-109. Commercial garbage fees. The town will furnish one (1) refuse container per business. The container will be picked up once per week on Tuesday or Friday for a monthly fee of twenty dollars (\$20). All refuse must be inside the container. If additional containers are needed, the customer may purchase additional containers from the town at cost. There will be an additional cost of five dollars (\$5) per month for each container over three (3) picked up. If a business requires pick up twice a week, the pick up will be on Tuesday and Friday at a cost of thirty dollars (\$30) monthly, plus five dollars (\$5) for each additional container over three (3) picked up. (1978 Code, § 8-209, amended by Ord. #5-04, June 2004, and replaced by Ord. #4-06, April 2006)

17-110. Commercial mobile home park and commercial apartment complex collection. Each commercial apartment complex and commercial mobile home park that has eight (8) or more apartments or rental spaces is not eligible for garbage pickup by the town. These entities are required to contain and dispose of their own garbage and refuse either by installing a dumpster by contract with a commercial garbage collection agency or other acceptable means. Each mobile home park and apartment complex shall be required to remain in compliance with all town ordinances pertaining to property regulations governing clean and sanitary conditions. (as added by Ord. #12-04, Nov. 2004)

17-110. Disposal of hypodermic needles and syringes. Pursuant to the guidelines set forth in Technical Memorandum SW-88-1 of the Tennessee Department of Health and Environment, Division of Solid Waste, all discarded and used hypodermic needles and syringes must be securely packaged in puncture proof containers before discarding.

Anyone disposing of hypodermic needles and syringes improperly and causing injury to another individual, shall be held financially responsible for all such medical costs incurred by the injured person or his heirs, administrators, executors, guardians or assigns.

Anyone improperly disposing of such hypodermic needles or syringes in their curbside garbage containers will have their weekly garbage pick-up suspended.

Violation of this section shall be a misdemeanor punishable by a fine of not less than two dollars (\$2.00) nor more than five hundred dollars (\$500) for each offense. (1978 Code, § 8-110, as renumbered by Ord. #12-04, Nov. 2004)

17-112. Monthly residential garbage pickup fee. Each residence within the town limits that has been issued a garbage container by the sanitation department and receives weekly garbage pickup will be charged an eight dollar (\$8.00) monthly pickup fee. If household has three (3) containers or more, an additional four dollars (\$4.00) will be charged. The fee will be billed on the monthly water and sewer bill. Failure to have container at curbside for pickup on the regularly scheduled pickup day does not relieve customer of payment. Service will be discontinued and the assigned container will be seized and held by the sanitation department if monthly bill is unpaid. (as added by Ord. #6-08, June 2008, amended by Ord. #08-15, July 2015, and replaced by Ord. #6-23, June 2023 *Ch15_11-07-23*)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER AND SEWERS.
2. WASTEWATER COLLECTION AND TREATMENT REGULATIONS.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
5. REGULATION OF ANIMAL AND VEGETABLE FAT, OILS, AND GREASE.
6. DROUGHT MANAGEMENT PLAN.

CHAPTER 1

WATER AND SEWERS²

SECTION

- 18-101. Custody, administration, operation, maintenance, and control of the waterworks and sewage system.
- 18-102. Application for water and sewer service.
- 18-103. Water and sewer account set up/turn on fee.
- 18-104. Water and sewer service connection tap fees.
- 18-105. Water and sewer main extensions.
- 18-106. Meters.
- 18-107. Meter tests.
- 18-108. Relocation of meters and water and sewer lines.
- 18-109. [Deleted.]
- 18-110. Private fire lines; sprinkler service charge.
- 18-111. Consumers not to supply water to others.
- 18-112. Supply of steam boilers.
- 18-113. Special service.
- 18-114. Illegal use of fire hydrants.
- 18-115. No guarantee of pressure and/or supply.
- 18-116. Meter reading and billing.
- 18-117. Meter turn-on.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

²A water service agreement between the Town of White Pine and the South Morristown WITT Utility District is contained in Ordinance No. 128, of record in the office of the recorder.

- 18-118. Meter shut-off.
- 18-119. Failure of consumer to comply with regulations.
- 18-120. Water rates.
- 18-121. Sewer rates.
- 18-122. Emergency water rates.
- 18-123. Mobile home connections.
- 18-124. Wasting of water prohibited.

18-101. Custody, administration, operation, maintenance, and control of the waterworks and sewage system. Pursuant to authority granted by § 7-35-406 Tennessee Code Annotated, the board of mayor and aldermen hereby elects to perform the duties formerly required of the board of commissioners known as the White Pine Water and Sewer Commission. (1978 Code, § 13-101)

18-102. Application for water and sewer service. Persons, firms, or corporations desiring water and/or sewer connections shall make application to the town in writing, upon such forms as shall be prescribed and furnished by the town. The application shall state fully the use to which the water and sewer service is to be applied, and shall state that the consumer will abide by the rules and regulations and rates of the Town of White Pine then in force, or which shall thereafter be adopted. The application shall be signed by the owner of the premises, tenant, or consumer, and shall state the location of the premises to be served, the street name, and house number.

Within the corporate limits of the Town of White Pine, should the premises to be served be new construction, the applicant shall show that a building permit approved by the building inspector of the Town of White Pine has been issued for construction. (1978 Code, § 13-102)

18-103. Water and sewer account set up/turn on fee. Every owner, tenant, or occupant of each lot or parcel of land who desires water and/or sewer services shall be required to pay an account setup/turn on fee in advance, in the sum of one hundred dollars (\$100.00). The applicant must sign an application for the furnishing of such services upon payment of the fee. This fee is non-refundable. (1978 Code, § 13-103, as replaced by Ord. #3-03, June 2003, amended by Ord. #9-08, Aug. 2008, and replaced by Ord. #11-23, Dec. 2023 *Ch15_11-07-23*)

18-104. Water and sewer service connection tap fees. All service connection taps shall be placed at suitable locations selected by the town. For such connection, the consumer or property owner at the time of making application therefore, shall pay to the town as the expense thereof, the charge as set forth in the following schedule:

5/8" Water tap	Inside town limits	\$1,100
1" Water tap	Inside town limits	\$1,300
2" Or larger water tap	Inside town limits	\$3,000+cost+10%
5/8" Water tap	Outside town limits	\$1,700
1" Water tap	Outside town limits	\$2,000
2" Or larger water tap	Outside town limits	3700+cost+10%
4" Sewer tap	Inside town limits	\$1,200
4" Sewer tap	Outside town limits	\$2,500

All sewer taps one inch (1") and larger: when cost exceeds minimum tap fee add cost plus ten percent (10%). All water taps five eighths inch (5/8") and larger: when cost exceeds minimum tap fee add cost plus ten percent (10%). (1978 Code, § 13-104, as amended by Ord. #8-98, Jan. 1999, replaced by Ord. #3-03, June 2003, and amended by Ord. #9-08, Aug. 2008, Ord. #3-11, July 2011, Ord. #6-13, June 2013, Ord. #5-14, June 2014, and Ord. #1-21, June 2021 **Ch15_11-07-23**, Ord. #1-22, April 2022 **Ch15_11-07-23**)

18-105. Water and sewer main extensions. In addition to the following regulations, each proposed water and/or sanitary sewer extension shall be evaluated for acceptance or rejection, especially sewer main extensions involving a sewage lift station(s). The merits of which an extension is evaluated shall include, but not be limited to, the following:

- (1) Cost of operations and maintenance of equipment;
- (2) Projected revenues from utility sales generated as a direct result of the extension;
- (3) Concern with respect to the environment and/or ecology; and
- (4) Overall budget considerations.

In general, and insofar as possible, each extension should be economically viable and self-sustaining on its own with minimal impact on the utility rate payers as a whole.

(a) Extensions within existing developed areas of the city.

- (i) Sewer mains. The town will extend sewer mains within the existing developed areas (existing plated lots of record) along accepted streets and easements within the corporate limits of the Town of White Pine where economically feasible or where

there exists a threat to the public health caused by gross pollution resulting from inadequately operating or overflowing underground sewage disposal fields, and where the town can feasibly provide sufficient funds for such extensions.

When determined necessary, sewer main extensions shall be made for a distance no greater than 100 feet, at the town's expense, provided, however, that the town will not extend any mains where ground elevations are such that said mains cannot be installed feasibly to drain into the existing sewerage system. All extensions beyond 100 feet shall be made at the expense of the applicant, except for sewer mains larger than eight (8) inches in diameter, in which case the town will pay the difference between the cost of an eight (8) inch main (including installation) and the cost of the main which is installed, and having a diameter greater than eight (8) inches. The size of the main to be installed shall be exclusively within the discretion of the town.

The town may connect a main to or extend a main from any main previously installed in accordance to the above terms without obligation to the applicant who may have borne the expense on such previously installed main.

In no event will the town make any extension at its expense should the operating budget of the water and sewer department not have sufficient funds for such extension.

(ii) Water mains. The town will extend water mains along accepted streets or easements in existing developed areas within the corporate limit of the town for applicants having property on such street, rights-of-way, or easements. These extensions shall be made at the expense of the town.

(b) Extensions within new subdivisions in the city.

(i) Sewer mains. All sewer main extensions within new subdivisions being developed within the corporate limit of the Town of White Pine shall be installed by and at the expense of the developer, except for mains larger than eight (8) inches in diameter, in which case the town will pay the difference between the cost of an eight (8) inch main (including installation) and the cost of the main which is installed, providing that budgeted funds are available.

If sewer service is not available to the nearest new proposed subdivision, the town will, at its expense, extend the first 100 feet toward the property line of an owner of a parcel of land on which there is a new subdivision which has been given preliminary approval by the White Pine Planning Commission. The remaining sewer to be extended, if any, will be at the expense of the developer.

The town may connect a main to, or extend a main from any main previously installed in accordance with the above terms without obligation to the developer of the newly developed subdivision.

(ii) Water mains. When requested and if funds are available, the town will extend a water main along an accepted street or right-of-way to the nearest property line of an owner of a parcel of land within the corporate limits of the Town of White Pine on which there is a new subdivision which has been given preliminary approval by the White Pine Planning Commission. In addition, the town will install fire hydrants along the extended main, if needed. However, such extensions will not be made at the expense of the town after a one-year period beyond the date of final plat approval of the new subdivision.

All water mains required to be extended along accepted streets and/or rights-of-way adjacent to the property line of the land parcels on which there are new subdivisions, and within the new subdivisions being developed, shall be installed by and at the expense of the developer except for mains larger than eight (8) inches in diameter, in which case the town will pay the difference between the cost of an eight (8) inch main (including installation) and the cost of the main which is installed, providing that budgeted funds are available. The developer is also required to install all fire hydrants within new subdivisions in accordance with town regulations.

The town may connect a main to, or extend a main from, any main previously installed without obligation to the developer or consumer who installed such main.

(c) Extensions outside city limits. (i) Sewer mains. All proposed sewer main extensions outside the Town of White Pine must be granted approval to proceed from the town prior to preparations of plans. The town reserves the right to reject any extensions.

All sewer main extensions outside the Town of White Pine shall be installed by and at the expense of the developer from the end of the existing sewer main whether it is inside or outside of the town limit. For mains larger than eight (8) inches in diameter, the town will pay the difference between the cost of an eight (8) inch main including installation and the cost of the main installed, providing that budgeted funds are available.

The city may connect a main to, or extend a main from, any main previously installed in accordance with the above terms without obligation to the developer or consumer who previously installed such main.

(ii) Water mains. All proposed water main extensions outside the Town of White Pine must be granted approval to proceed from the town prior to preparations of plans. The town reserves the right to reject any extension.

All water main extensions outside the Town of the White Pine shall be installed by and at the expense of the developer from the end of the existing water main whether it is inside or outside the town limit. For mains larger than eight (8) inches in diameter, the town will pay the difference between the cost of an eight (8) inch main, including installation, and the cost of the main which is installed, providing that budgeted funds are available.

The town may connect a main to, or extend a main from, any main previously installed without obligation to the developer or consumer who installed such main.

(d) Exceptions. The regulations governing the extension of water and sewer mains shall not limit the town from participating in the cost of water and sewer main extensions when the application warrants consideration due to high volume consumption favorable return on investment. (1978 Code, § 13-105)

18-106. Meters. (1) Potable water meters. Each consumer will be supplied through a separate meter, except where a building under one (1) ownership has a number of apartments or offices under one (1) roof, and the owner desires that the town shall deal directly with the tenants; in which event, the town will install for each tenant a separate meter setting and meter. The charge for any such meter connection shall be made at the service charge provided for in § 18-104. Thereafter, each regular tenant in such building, shall be a consumer and shall be subject to all of the applicable rules and regulations hereof.

All meters and meter settings shall be furnished, owned and maintained by the town.

Meters and meter settings must be accessible at all times and not covered with rubbish or material of any kind. No one other than an authorized agent of the town shall be permitted to repair, adjust, remove, or replace any meter or part thereof.

The consumer shall be responsible for damage to meters and/or meter settings where such damage is caused by a change in grade of the lot or by the carelessness or negligence of the consumer or his/her/its agents, employee, family members, invitees and or licensees. Such consumer will be billed for the actual cost of repair or replacement, and such bill shall be paid within ten (10) days from then date of mailing thereof.

(2) Fire line water meters. Each consumer having a fire line water supply shall have such fire line water line separately metered from his/her/its

potable water line. The charge for any such connection shall be made at the service charge provided for in § 18-104.

All water fire line meters shall be ultrasonic flow meters or a meter of like make and quality approved by the White Pine Water Department, in writing, at its sole discretion prior to the installation of such meter.

All fire line water meters and meter settings shall be furnished, owned and maintained by the consumer.

Fire line meters and meter settings must be accessible at all times and not covered with rubbish or material of any kind.

The consumer shall permit the town, or its agents, shall have the right to enter the consumer's premises, at any reasonable time, for the purpose of inspecting the fire line meter at such premises.

All consumers with existing fire lines shall be permitted three (3) years from the date of passage of this section to comply with the requirement of the installation of a fire line water meter in accordance with the provisions of the section. (1978 Code, § 13-106, as replaced by Ord. #4-19, June 2019 *Ch14_6-16-20*)

18-107. Meter tests. Should any consumer doubt the correctness of the meter registration, the consumer may have the meter tested by making written application to the town and by making a deposit in accordance with the following table:

For 5/8" to 1" meter	\$10.00
For 1 1/2" to 2" meter	\$15.00
For 3" meter	\$25.00
For 4" meter	\$50.00

If, in such test, the meter is found to over register in excess of 4%, allowance shall be made by the town to the consumer according to such error and covering a period not to exceed the prior billing and the current consumption to date of removal of the meter. If the meter is found to over register in excess of 4%, all the expense incurred in the meter removal and test shall be borne by the town, and the deposit shall be refunded. If, however, the meter is found to register an amount less than 104 percent the deposit shall be accepted by the town in payment of the expense of such removal and test. (1978 Code, § 13-107)

18-108. Relocation of meters and water and sewer lines. All meters, which, as of the effective date of these rules and regulations, are located inside buildings or in meter settings which the town deems to be unsatisfactory may be moved to more suitable locations at the discretion and expense of the town.

The town may discontinue to furnish water to any consumer who refuses permission to remove a meter in accordance with this regulation.

If any meter, water line, or sewer line is re-located on application of and to suit the convenience of the consumer, or where re-location of meter or lines

is required because of change in grade of lot, such relocation and setting shall be made by the town at the expense of the consumer. Any bill rendered to the consumer for the expense thereof shall be paid within ten (10) days from the date of mailing of such bill.

In the event that a customer moves from one residence to another, a twenty dollar (\$20.00) fee will be charged for moving the water meter from the old location to the new. The customer may pay the fee prior to the move or may request it be added to his/her next utility bill. (1978 Code, § 13-108)

18-109. [Deleted.] (1978 Code, § 13-109, as deleted by Ord. #3-03, June 2003)

18-110. Private fire lines; sprinkler service charge. (1) Installation, ownership, specifications and inspection. Private fire lines or sprinkler lines including any attachments, sprinklers and other equipment located on the premises shall be installed by and at the expense of the owner of the premises; and such lines shall be owned and maintained by the owner of the premises.

The installation of private fire lines or sprinkler lines, including any attachments, sprinklers, and other equipment located on the premises, shall meet the current specifications for such lines, attachments, sprinklers and equipment adopted by the town. The town's employees shall have access to the premises at all reasonable hours for the purpose of inspecting such lines, sprinklers, and attachments and other equipment located on the premises.

(2) Charges. Each tenant of the premises served by a fire or sprinkler line, regardless of the ownership of the premises, shall pay:

- (a) A base fire or sprinkler line charge of ten dollars (\$10.00) per month.
- (b) A charge of seven cents (\$.07) per sprinkler head per month.
- (c) A charge equal to the applicable water rate per gallon for any water usage through a fire line. (1978 Code, § 13-110, as replaced by Ord. #5-98, June 1998, as amended by Ord. #4-19, June 2019 *Ch14_6-16-20*)

18-111. Consumers not to supply water to others. Consumers shall not supply water w water to be carried through a hose or pipe, to any premises other than that described in the application, without the consent of the town. (1978 Code, § 13-111)

18-112. Supply of steam boilers. In no event shall a steam boiler be supplied directly from a water main of the town; but in all cases in which water is supplied to steam boilers from the town mains, there shall be a tank or other receptacle located between the boiler and the water main, and such supply shall be taken directly from the water tank or receptacle. (1978 Code, § 13-112)

18-113. Special service. The town may issue permits for the use of water for building or construction purposes, or other temporary purposes, provided that the applicant shall pay for tapping and installing and conform to all other requirements of the town. (1978 Code, § 13-113)

18-114. Illegal use of fire hydrants. No person other than authorized agents of the town, or fire department, shall take water from a fire hydrant without the consent of the town. (1978 Code, § 13-114)

18-115. No guarantee of pressure and/or supply. The town does not guarantee to the consumer any fixed pressure or a continuous supply. In case of breaks in mains, service pipes, pumping machinery, reservoirs, or other equipment of the town, and for the purpose of extending, replacing, or cleaning mains, or any other necessary work in connection with mains, the water may be shut off when necessary without notice and the town shall not be liable for damages which may arise therefrom. (1978 Code, § 13-115)

18-116. Meter reading and billing. Meters will be read monthly. All bills shall be payable at the town hall, or at a place designated by the town. Payments for water or sewer service will not be accepted unless the payment is accompanied by the water/sewer bill.

The town inspector, meter reader, or other properly authorized employee shall have access at all reasonable hours to premises supplied with water and/or sewer for the purpose of reading, inspecting, repairing, or removing meters.

The consumer assumes full responsibility for all water and sewer charges as determined by the meter readings. Adjustment to water and sewer bills will be made only in the event of error by the Town of White Pine. Adjustments may be permitted on sewer charges in the event a water leak does not enter the sewer and is verified by an authorized representative of the town. Adjustments will be arrived at by computing the average of six (6) previous monthly billings, but due consideration shall be given for any excessive use of water during such period.

All charges for water services from the existing municipal water system and all charges for sewer services shall be combined in one statement to each customer, with said statement clearly showing the separate amounts due for water and sewer services, and each and every such customer shall pay both charges in full, and failure to so pay both charges shall result in the discontinuance of the water service and the sewer service to such customer or customers.

All bills due the town for water and sewer service shall be due and payable upon receipt. Bills for metered water and sewer service shall be increased 10% if not paid on or before the 18th day of each month. (1978 Code, § 13-116, as amended by Ord. #6-01, Nov. 2001, and Ord. #9-08, Aug. 2008)

18-117. Meter turn-on. Water shall not be turned into any water lines for any purpose by anyone except an authorized employee of the town. (1978 Code, § 13-117, as amended by Ord. #9-08, Aug. 2008)

18-118. Meter shut-off. The consumer or property owner shall notify the town at the time each property becomes vacant. Otherwise, the consumer or property owner shall be responsible for any damage to the property of the town, and for all water metered to such property up until receipt of such vacancy notice.

The town will presume service is being rendered from the time water is turned on at the request of the consumer until the consumer or property owner gives it written notice to discontinue the service and charges will be made accordingly.

In the event that a customer requests that the water be turned off in order to make repairs during regular working hours a ten dollar (\$10.00) fee will be charged; after hours the fee will be twenty dollars (\$20.00). If bills are not paid by the 25th of each month, the town shall cut off the water and sewer to the consumer and shall charge a fee of one hundred dollars (\$100.00) during regular working hours (8:00 A.M. - 4:00 P.M. EST) for cutting the water back on. This fee will also be charged if water is cut off for any other violation of these rules and regulations. If payment for a cut off is made after 4:00 P.M. the meter will not be turned back on until 8:00 A.M. the following day. (1978 Code, § 13-118, as amended by Ord. #4-01, July 2001, and Ord. #9-08, Aug. 2008)

18-119. Failure of consumer to comply with regulations. The town may refuse to furnish water to the premises of any applicant who fails to meet all the applicable conditions and terms of the foregoing regulations, or it may discontinue water service in the event the consumer violates or fails to comply with any of the foregoing regulations. (1978 Code, § 13-119)

18-120. Water rates. (1) The monthly rates and/or charges for water service shall be set out hereunder:

RESIDENTIAL WATER

<u>Inside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$16.12
(b) Price per thousand gallons or fraction thereof above 2,000 gallons	\$5.58
<u>Outside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$28.87

(b) Price per thousand gallons or fraction thereof above 2,000 gallons	\$9.70
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COMMERCIAL WATER
(Home-occupancy businesses excluded)

<u>Inside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$22.66
(b) Price per thousand gallons or fraction thereof above 2,000 gallons	\$7.16
<u>Outside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$37.33
(b) Price per thousand gallons or fraction thereof above 2,000 gallons	\$11.93

INDUSTRIAL WATER

<u>Inside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$25.02
(b) Price per thousand gallons or fraction thereof above 2,000 gallons	\$7.55
<u>Outside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$40.75
(b) Price per thousand gallons or fraction thereof above 2,000 gallons	\$13.01

ALPHA-TALBOTT SPECIAL DISTRICT

<u>Inside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$29.16
(b) Price per thousand gallons or fraction thereof above 2,000 gallons	\$11.64

(2) Multi-unit customers: Multi-unit customers being defined as those units in a building, complex, or area wherein more than one individual or family resides, or wherein more than one business or industry conducts business or operations, with more than one unit being served or supplied by a single water

meter. This said definition encompasses, among other things, duplexes, apartment houses, mobile home complexes or parks, office buildings, motels, hotels, shopping centers, malls, customers with separate buildings which are served by a single meter, customers which have a single meter serving one or more businesses in or at a single building or a residence and one or more businesses in or at a single building or home, or the like, and any unit or area which separately houses more than one individual or family, business, or industry.

All multi-unit customers shall pay, in addition to the regular water and/or sewer charges, a two dollar and fifty cent (\$2.50) fee per unit if served with municipal water, and an additional two dollar and fifty cent (\$2.50) fee per unit if served with municipal sewer. If served by only one of the services the customer will only be charged the appropriate fee.

No multi-unit charge will be levied on mobile home units which are for display or sales purposes only if same are used by a properly licensed retail or wholesale mobile home dealer. (1978 Code, § 13-120, as amended by Ord. #7-97, June 1997, Ord. #4-01, July 2001, Ord. #4-02, June 2002, replaced by Ord. #3-03, June 2003, and amended by Ord. #4-04, June 2004, Ord. #13-05, June 2005, Ord. #9-08, Aug. 2008, Ord. #3-11, July 2011, Ord. #6-12, July 2012, Ord. #6-13, June 2013, Ord. #5-14, June 2014, Ord. #6-15, June 2015, Ord. #4-17, June 2017, Ord. #5-18, June 2018, Ord. #4-19, June 2019 **Ch14_6-16-20**, Ord. #5-20, Dec. 2020 **Ch15_11-07-23**, Ord. #3-22, June 2022 **Ch15_11-07-23**, and Ord. #7-23, June 2023 **Ch15_11-07-23**)

18-121. Sewer rates. (1) The monthly rates and/or charges for services shall be as set out hereunder:

RESIDENTIAL SEWER

<u>Inside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$20.90
(b) 2,001 gallons to 15,000 gallons (price per thousand or fraction thereof)	\$6.56
(c) 15,001 gallons and above (price per thousand or fraction thereof)	\$6.80
<u>Outside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$36.28

(b) 2,001 gallons to 15,000 gallons (price per thousand or fraction thereof)	\$11.24
(c) 15,001 gallons and above (price per thousand or fraction thereof)	\$13.83

COMMERCIAL SEWER
(Home-occupancy businesses excluded)

<u>Inside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$24.37
(b) 2,001 gallons to 15,000 gallons (price per thousand or fraction thereof)	\$7.68
(c) 15,001 gallons and above (price per thousand or fraction thereof)	\$7.93
<u>Outside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$42.43
(b) 2,001 gallons to 15,000 gallons (price per thousand or fraction thereof)	\$13.23
(c) 15,001 gallons and above (price per thousand or fraction thereof)	\$16.10

INDUSTRIAL SEWER

<u>Inside the corporate limits</u>	
(a) 2,000 gallons or less per month	\$30.41
(b) 2,001 gallons to 15,000 gallons (price per thousand or fraction thereof)	\$8.54
(c) 15,001 gallons and above (price per thousand or fraction thereof)	\$8.85

<u>Outside the corporate limits</u>	
a. 2,000 gallons or less per month	\$46.79
b. 2,001 gallons to 15,000 gallons (price per thousand or fraction thereof)	\$14.70
c. 15,001 gallons and above (price per thousand or fraction thereof)	\$18.00

(2) Property owners on the town sewer system or with the sewer available to the property, who use a private well for water, shall select and pay a sewer charge based on one of the two methods limited below:

- (a) A water meter will be installed and connected to the well of the resident and the sewer charge will be based on the metered water consumption according to the aforementioned rates.
- (b) Resident shall pay a flat monthly sewer charge it chooses for well not to be metered:

<u>Inside corporate limits:</u>	\$39.97	<u>Outside corporate limits:</u>	\$64.60
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(1978 Code, § 13-121, as amended by Ord. #7-97, June 1997, Ord. #4-01, July 2001, Ord. #4-02, June 2002, replaced by Ord. #3-03, June 2003, and amended by Ord. #4-04, June 2004, Ord. #13-05, June 2005, Ord. #9-08, Aug. 2008, Ord. #3-11, July 2011, Ord. #6-12, July 2012, Ord. #6-13, June 2013, Ord. #5-14, June 2014, Ord. #6-15, June 2015, Ord. #10-16, Dec. 2016, Ord. #14-17, June 2017, and Ord. #15-18, June 2018, and Ord. #5-19, June 2019 **Ch14_6-16-20**, and replaced by Ord. #1-21, June 2021 **Ch15_11-07-23**, Ord. #3-22, June 2022 **Ch15_11-07-23**, and Ord. #7-23, June 2023 **Ch15_11-07-23**)

18-122. Emergency water rates. In the event that the Town of White Pine's current source of water is determined to be insufficient and it becomes necessary for White Pine to purchase water from the South-Morristown Witt Utility District, the mayor shall declare a water emergency and authorize the following water rate structure to become effective immediately:

White Pine Municipal Code Section:

- 18-120(l)(a)(1) Price per thousand gallons or fraction thereat above 2,000 gallons: "Double the Current Rate."
- 18-120(l)(b)(2) Price per thousand gallons or fraction thereof above 2,000 gallons: "Double the Current Rate."
- 18-121(l)(a)(2) 2,001 gallons to 15,000 gallons (price er thousand or fraction thereat): Double the Current Rate."

18-121(l)(a)(3) 15,001 gallons and up (price per thousand or fraction thereof) "Double the Current Rate."

18-121(l)(b)(2) 2,001 gallons to 15,000 gallons (price per thousand or fraction thereof) "Double the Current Rate."

18-121(l)(b)(3) 15,001 gallons and up (price per thousand or fraction thereof) "Double the Current Rate."

(1978 Code, § 13-122)

18-123. Mobile home connections. All mobile homes must be connected to the sewer system with a rubber boot, and all mobile homes connected to the water system must have a hand cut-off valve between the water meter and line entrance into the mobile home structure. The boot and valve must be inspected and approved by the White Pine Water/Wastewater Department. (as added by Ord. #1-05, Feb. 2005)

18-124. Wasting of water prohibited. (1) No customer will allow the wasting of water by permitting plumbing fixtures to run continuously by failing to properly maintain the customer's plumbing fixtures and/or pipes past the town's meter.

(2) When a service address has a history of excessive water usage caused by the property owner failing to properly maintain the customer's service line past the water meter or indoor plumbing, the town will not establish water service for a new applicant at this service address until the leaking customer service line or faulty indoor plumbing has been repaired. The town will require the applicant for service to provide adequate proof of such repairs before water service will be initiated. (as added by Ord. #14-19, March 2020 *Ch14_6-16-20*)

CHAPTER 2

WASTEWATER COLLECTION AND TREATMENT REGULATIONS

SECTION

- 18-201. General provisions; purpose and policy.
- 18-202. Definitions and abbreviations.
- 18-203. Use of public sewers required.
- 18-204. Private sewage disposal.
- 18-205. Building sewers and connections.
- 18-206. Use of the public sewers.
- 18-207. Use of the sewers by industrial users.
- 18-208. Protection from damage.
- 18-209. Powers and authority of inspection.
- 18-210. Penalties.

18-201. General provisions; purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of White Pine and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system that will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect dischargers to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted or appropriated, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the Town of White Pine and to persons outside the town who are, by contract or agreement with the town, users of the White Pine POTW. This chapter is a supplement to Chapter 1 in this title, as amended.

Except as otherwise provided herein, the mayor of the town's POTW shall administer, implement, and enforce the provisions of this chapter. (1978 Code, § 13-201)

18-202. Definitions and abbreviations. (1) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(a) "Act or the act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(b) "Approval authority." The director 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.

(c) "Authorized representative of an industrial user." An authorized representative of an industrial user may be:

(i) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(ii) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

(iii) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(d) "BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20°C expressed in terms of weight and concentration (milligrams per liter).

(e) "Building drain." The part of the lower horizontal piping of a drainage system that 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.

(f) "Building sewer." The extension from the building drain to the public sewer or other place of disposal.

(g) "Categorical standards." National categorical pretreatment standards or pretreatment standard.

(h) "Combined sewer." A sewer receiving both surface runoff and sewage.

(i) "Compatible pollutant." 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 town's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(j) "Control authority." The "approval authority," defined hereinabove, or the city manager if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

(k) "Conventional pollutants." Those pollutants normally found.

(l) "Cooling water." The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(m) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(n) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(o) "Garbage." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

(p) "Grab sample." A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(q) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(r) "Incompatible pollutant." Any pollutant that is not a "compatible pollutant" as defined in this section.

(s) "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.)

(t) "Industrial pretreatment." Any necessary treatment processes performed on the industrial wastes by the industrial user prior to discharge into the public sewers in accordance with federal, state, and local regulations.

(u) "Industrial user." A source of indirect discharge that does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act (33 U.S.C. 1342).

(v) "Industrial wastes." The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewer.

(w) "Inhibition." Any pollutant that might impair, effectively reduce, or terminate the biological process and/or biological operation of the sewage treatment plant.

(x) "Interference." The inhibition or disruption of the POTW treatment processes or operations that contributes to a violation of any requirement of the town'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 POTW.

(y) "Monitoring." Any method of sampling and analyzing of industrial waste, discharged into the sanitary sewer by industrial users, employed by the town to enforce industrial pretreatment regulations.

(z) "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) that applies to a specific category of industrial users.

(aa) "National pollution discharge elimination system or NPDES permit." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(bb) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.

(cc) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(dd) "New source." Any source whose construction is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard that will be applicable to such source, if such standard is thereafter published within 120 days of proposal in the Federal Register.

(ee) "Pass through." Any pollutant that enters the sewage works and is not totally removed before entering the receiving stream.

(ff) "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.

(gg) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(hh) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

(ii) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(jj) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(kk) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(ll) "Priority pollutants." Shall mean any of the one hundred twenty-nine (129) pollutants that affect stream quality or stream life in the receiving stream and its subsequent waters.

(mm) "Properly shredded garbage." The wastes from the preparation, cooking, and dispensing of foods which 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.

(nn) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) that is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

(oo) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(pp) "Receiving stream." The natural stream or watercourse that accepts the discharge from the sewage treatment plant.

(qq) "Sanitary sewer." A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(rr) "Sewage." A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(ss) "Shall" is mandatory; "may" is permissive.

(tt) "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.

(uu) "State." State of Tennessee.

(vv) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(ww) "Superintendent." The person designated by the town to supervise the operation of the POTW and who is charged with certain

duties and responsibilities by this section, or his duly authorized representatives.

(xx) "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.

(yy) "Town." The Town of White Pine, Tennessee, the mayor, the wastewater treatment plant superintendent, or their duly authorized representative.

(zz) "Town mayor." The duly authorized representative of the Town of White Pine.

(aaa) "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.

(bbb) "Twenty-four (24) hour flow proportional composite sample." Incremental samples with sample volumes proportional to flow are collected over a 24-hour period. This type of sample, when analyzed and compared to total flow, provides the most accurate measure of wastewater quality and pollutant loading.

(ccc) "User." Any person who contributes, causes, or permits the contribution of wastewater into town's POTW.

(ddd) "Wastewater." The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated that is contributed into or permitted to enter the POTW.

(eee) "Wastewater contribution permit." As set forth in § 18-207 (10) of this chapter.

(fff) "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.

(2) Abbreviations. The following abbreviations shall have the designated meanings:

BOD	-	Biochemical oxygen demand
CFR	-	Code of Federal Regulations
COD	-	Chemical oxygen demand
EPA	-	Environmental Protection Agency
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutants Discharge Elimination System

POTW - Publicly owned treatment works
 SIC - Standard Industrial Classification
 SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
 TSS - Total suspended solids
 USC - United States Code
 (1978 Code, § 13-202)

18-203. 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 boundaries of the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste if public sewer is available.

(2) It shall be unlawful to discharge to any natural outlet within the boundaries of the town or in any area under the jurisdiction of the town 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 if public sewer is available.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town 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 town, 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 policy, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

(5) However, in the event the property owner fails to connect to the available sanitary sewer within the ninety (90) days prescribed by subsection (4) above, he shall pay the current sewer rates as calculated by his monthly metered water consumption, or the current flat sewer rate for unmetered water as referred to in § 18-121(3)(b). However, neither this section nor the property owner's payment of the sewer availability charge shall be construed as a limitation on the right of the town under this chapter to require the property the general penalty provision of this municipal code of ordinances to fail or refuse to pay the sewer availability charge. The town may also discontinue or refuse water service as set out in § 18-119 in the event the consumer fails to comply with these regulations. (1978 Code, § 13-203)

18-204. Private sewage disposal. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county, and state law. The disposal of sewage by private

disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. (1978 Code, § 13-204)

18-205. 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 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 town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of three dollars (\$3.00) for a residential, commercial, or industrial building sewer permit shall be paid to the town at the time the application is filed.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town 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 that when 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 policy.

(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 code and other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials set forth in the appropriate ASTM specifications and the procedures set forth in the WPCF 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, 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 connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground

water to a building sewer or building drain that 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 code and other applicable rules and regulations of the town, or to the materials requirements set forth in the appropriate ASTM specifications and the procedures set forth in the WPCF Manual of Practice No. 9. set forth in appropriate specifications of the ASCE and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city manager before installation.

(10) The applicant for the building sewer permit shall notify the city manager or his authorized representative 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 installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(12) Any work done in the street right-of-way will be covered by town street cut permit. (1978 Code, § 13-205)

18-206. Use of the public sewers. (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Storm water 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 Board, to a storm sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described pollutants to any public sewer:

(a) Any liquids, solids, or gases that by reason of their nature or quantity, may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the POTW or to the operation of the POTW. At no time shall two successive readings on any explosion hazard meter, at any point of the discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances that the town, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Pollutants that cause corrosive structural damage to the system; in no case discharges with a pH lower than 6.0 or higher than 9.0, nor can the pH be increased more than 1.0 per hour.

(c) Solid or viscous substances that may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or flesh, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such a volume or strength as to cause interference to the system.

(e) Heat in amounts which will inhibit biological activity in the system resulting in interference, but in no case heat in such quantities that the temperature at treatment plant influent exceeds 40° C (104° F).

(f) 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 larger shall be subject to the review and approval of the city manager.

(g) Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and that will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(4) Any person determined an industrial user shall not only be regulated by regulations set forth in this section but shall also be required to adhere to all provisions established in § 18-207. (1978 Code, § 13-206)

18-207. Use of the sewers by industrial users. (1) This section establishes limitations and prohibitions on the quantity and quality of wastewater that may be lawfully discharged to the POTW. The specific limitations set forth in subsequent sections are subject to change as necessary to enable the town to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the town to meet requirements contained in its National Pollution Discharge Elimination System (NPDES) permit.

(2) The wastewater of every industrial user shall be evaluated upon the following criteria:

(a) Wastewater containing any element or compound that is not adequately removed by the treatment works which is known to be an environmental hazard;

(b) Wastewater causing a discoloration or any other condition in the quality of the town's POTW treatment plant effluent such that receiving water quality requirements established by laws cannot be met;

(c) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance;

(d) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge, or scums causing them to be unsuitable for reclamation process; and

(e) Wastewater having constituents and concentrations in excess of those listed in subsection (3) hereafter.

When the superintendent determines that a user or users are contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the city manager shall (i) advise the user(s) of the impact of the contribution on the POTW and (ii) develop effluent limitations(s) for such user(s) to correct the interference with the POTW.

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 city manager shall notify all affected users of the applicable requirements under 40 CFR, Section 403.12.

(3) The superintendent shall monitor the treatment works influent for each parameter in the following table. Each industrial user shall be responsible for monitoring and reporting these requirements. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the city manager shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town administrator such remedial measures as are necessary, including but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW. The intent of these limitations is to prevent (1) interference with the operation of the treatment works, (2) pass through of pollutants in violation of the POTW's NPDES permit limitations, and (3) municipal sludge contamination.

Modification of federal categorical pretreatment standards: Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval

authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" (as defined hereinafter) shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent that is achieved by the system when 95 percent (95%) of the samples taken measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 402, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the act. The town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained.

TABLE 1

PROTECTION CRITERIA

INCOMPATIBLE POLLUTANT INFLUENT LIMITATIONS FOR THE
WHITE PINE, TENNESSEE, WASTEWATER TREATMENT PLANT

<u>Pollutant</u>	<u>Maximum Daily Average Concentration</u>
Cadmium	0.0067 mg/l
Chromium	0.3125 mg/l
Copper	0.1250 mg/l
Cyanide	0.0092 mg/l
Lead	0.278 mg/l
Mercury	0.0042 mg/l
Nickel	0.1455 mg/l
Silver	0.01176 mg/l

TABLE 1 (Continued)

<u>Pollutant</u>	<u>Maximum Daily Average Concentration</u>
Zinc	0.2474 mg/l
Benzene	0.0130 mg/l
Bis (2-ethyl hexyl) phthalate	
Butyl benzyl phthalate	
Di-n-butyl phthalate Total = 0.0375 mg/l	
Diethyl phthalate	
Chloroform	0.1579 mg/l
Ethyl benzene	0.0400 mg/l
Methylene Chloride	0.1042 mg/l
Naphthalene	0.0003 mg/l
Phenol	0.0091 mg/l
Tetrachlorine	0.0333 mg/l
Toluene 0.2143 mg/l	
Trichloroethylene	0.1000 mg/l
1,1,1 Trichloroethane	0.2500 mg/l
1,2 Transdichloroethylene	0.0075 mg/l

TABLE 2

PROTECTION CRITERIA

COMPATIBLE POLLUTANT INFLUENT LIMITATIONS FOR THE
WHITE PINE, TENNESSEE, WASTEWATER TREATMENT PLANT

<u>Pollutant</u>	<u>Maximum Daily Average Concentration (mg/l)</u>	<u>Maximum Instantaneous Concentration (mg/l)</u>
5-Day BOD	275	300
TSS	260	290

(4) Industrial users shall be required to perform any industrial pretreatment whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations set forth in subsection (3) above to meet applicable national pretreatment standards, or to meet any other wastewater condition or limitation contained in the users wastewater discharge permit.

(5) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(6) The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 18-201 of this chapter.

(7) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state.

(8) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review and shall be approved by the town before construction of the facility. All existing users shall be submitted to the town for review and shall be approved by the town before construction of the facility. All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans

and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user immediately to telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The POTW shall keep a log on such events.

Written notice: Within five (5) days following an accidental discharge, the user shall submit to the city manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability that may be imposed by this section or other applicable law.

Notice to employees: A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(9) The town may adopt charges and fees that may include:

- (a) Fees for reimbursement of costs of setting up and operating in the town's pretreatment program;
- (b) Fees for monitoring, inspections, and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit application;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards; and
- (g) Other fees as the town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the town.

(10) All industrial users proposing to connect to or to 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 shall obtain a wastewater contribution permit within 180 days after the effective date of this chapter.

(11) Users required to obtain a wastewater contribution permit shall complete and file with the town an application in the form prescribed by the town and accompanied by a fee of fifteen dollars (\$15.00). Existing users shall apply for a wastewater contribution permit within 30 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior

to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics, including but not limited to those mentioned in § 18-206(3), and § 18-207(2) and (3), as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and 3 minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- (g) Description of activities, facilities, and plant processes on the premises, including all materials that are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge that are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

The following conditions shall apply to this schedule:

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (ii) No increment referred to in subsection (i) above shall exceed 9 months.

(iii) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the city manager.

(j) Each product produced by type, amount, process or processes, and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees and hours of operation of plant and proposed or actual hours or operation of pretreatment system; and

(m) Any other information as may be deemed by the town to be necessary to evaluate the permit application.

The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater contribution permit subject to terms and conditions provided herein.

(12) Within 9 months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater contribution permit as required by § 18-207(11), the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the city manager within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (h) and (i) of § 18-207(11).

(13) 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 town. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(b) Limits on the average and maximum wastewater constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, reporting schedule, and number, types, and standards for tests;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording the town access thereto;
- (i) Requirements for notification of the town 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;
- (j) Requirements for notification of slug discharges in accordance with § 18-207(2); and
- (k) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(14) Permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications by the town during the term of the permit as limitations or requirements identified in § 18-207(5) are modified or if some other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(15) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(16) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the city manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process that are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility that 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 by a qualified professional.

(a) Any user subject to a pretreatment standard shall, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, submit to the city manager during the months of June and December, unless required more frequently in the pretreatment standard or by the city manager, a report indicating the nature and concentration of pollutants in the effluent that are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows that, during the reporting period, exceeded the average daily flows reported in § 18-207(11)(e). At the discretion of the city manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city manager may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the city manager, of pollutants contained therein that are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.)

(17) 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 city manager. 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.

(18) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this policy 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 based on suitable samples at the control manhole provided. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. 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.)

(19) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern. In no case shall any exception or variance or special agreement be granted that will violate the protection criteria. Before any exception, exemption, variance, or special agreement is granted, the industry must demonstrate good management practices. Good management practices include, but are not limited to, preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharge and to control plant site runoff, spillage, leaks, and drainage from raw material storage. (1978 Code, § 13-207)

18-208. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1978 Code, § 13-208)

18-209. Powers and authority of inspection. (1) The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with

the provisions of this policy. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industrial processes 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 subsection (1) above, the city manager or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against loss or damage to its property by town 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 § 18-207(17).

(3) The superintendent and other duly authorized employees of the town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of 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. (1978 Code, § 13-209)

18-210. Penalties. (1) Any person found to be violating any provision of this chapter except § 18-208 shall be served by the town with 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 subsection (1) above shall be guilty of a misdemeanor and, on conviction therefor, shall be fined in an amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this policy shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

(4) The town shall be empowered with the right to disconnect any person in violation of any provision of this policy if corrective action is not taken upon the initiation of the fifty dollars (\$50.00) per day fine from sanitary sewer services in accordance with the national pretreatment regulations.

(5) The town shall annually publish in the local newspaper a list of the users that were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall

also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (1978 Code, § 13-210)

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

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

¹Municipal code reference
Plumbing code: title 12, chapter 2.

and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1978 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. (1978 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. (1978 Code, § 8-315)

CHAPTER 4

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the Town of White Pine for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative or federal agency. (1978 Code, § 8-401)

18-402. Standards. The White Pine Public Water System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1978 Code, § 8-401)

18-403. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Superintendent of the White Pine Public Water System. (1978 Code, § 8-403)

18-404. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1978 Code, § 8-404)

18-405. Inspections required. It shall be the duty of the superintendent of the public water system to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Superintendent of the White Pine Public Water System and as approved by the Tennessee Department of Health. (1978 Code, § 8-405)

18-406. Right of entry for inspections. The superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee,

or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1978 Code, § 8-406)

18-407. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of the White Pine Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the White Pine Public Water System, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1978 Code, § 8-407)

18-408. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The Superintendent of the White Pine Public Water System, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that

may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the White Pine Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent, or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Superintendent of the White Pine Public Water System.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the White Pine Public Water System. (1978 Code, § 8-408)

18-409. Unpotable water to be labeled. The potable water supply made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1978 Code, § 8-409)

18-410. Violations. The requirements contained herein shall apply to all premises served by the White Pine Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and each day of continued violation after conviction shall constitute a separate offense. (1978 Code, § 8-410)

CHAPTER 5**REGULATION OF ANIMAL AND VEGETABLE FAT,
OILS, AND GREASE****SECTION**

- 18-501. Removal of fat, oil, and grease.
- 18-502. Administration.
- 18-503. Definitions.
- 18-504. Discharges of FOG.
- 18-505. Interference with the sanitary sewer system operations.
- 18-506. Control of FOG.
- 18-507. Grease Control Equipment (GCE).
- 18-508. Installation of GCE.
- 18-509. Maintenance of GCE.
- 18-510. Additives.
- 18-511. Implementation.
- 18-512. Fees.
- 18-513. Permitting.
- 18-514. Enforcement.
- 18-515. Severability.

18-501. Removal of fat, oil, and grease. The Town Council of White Pine encourages all users of the sanitary sewer system to take voluntary steps to reduce the amount of fats, oils, and grease that is poured, drained or washed down drains into the sanitary sewer system. (as added by Ord. #3-15, June 2015)

18-502. Administration. Through this chapter the public works supervisor is hereby directed to implement the provisions of this chapter. This implementation includes but is not limited to actions such as, plans approval, inspections, and enforcement through town court. Higher levels of enforcement shall be performed by the mayor. (as added by Ord. #3-15, June 2015)

18-503. Definitions. In the interpretation and application of this chapter the following words and phrases shall have the indicated meanings:

(1) Best Management Practices (BMPs) means actions or schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of this chapter.

(2) Fats, Oils, and Grease (FOG). Organic polar compounds derived from animal and/or plant sources. If lab testing is required to quantify the amount of FOG, the Hexane Extractable Material test is to be used or an equivalent 40 CFR 136 approved method.

(3) Food Service Establishment (FSE). Any establishment, business or facility engaged in preparing, serving or making food available for consumption. Single family residences are not a FSE, however, multi-residential facilities may be considered a FSE at the discretion of the public works supervisor. FSEs are classified as follows:

Class 1: Deli engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, ice cream shops and beverage bars as defined by North American Industrial Classification System (NAICS) 722515 or mobile food vendors as defined by NAICS 722330. Bed and breakfast establishments as defined by NAICS 72119.

Class 2: Limited-service restaurants (a.k.a. fast food facilities) as defined by NAICS 722513 except fast food with a food line that is heavily fried and a history of FOG discharges that interfere with the sanitary sewer system, and catering as defined by NAICS 722320.

Class 3: Full service restaurants as defined by NAICS 722110.

Class 4: Buffet and cafeteria facilities as defined by NAICS 72212.

Class 5: Institutions (schools, hospitals, prisons, etc.) as defined by NAICS 722310 but not to exclude self-run operations.

(4) Grease, brown. Fats, oils, and grease that are discharged to the grease control equipment.

(5) Grease, yellow. Fats, oils, and grease that have not been in contact with or contaminated from other sources such as water, wastewater, solid waste and can be readily recycled.

(6) Grease Control Equipment (GCE). A device for separating and retaining wastewater FOG prior to the wastewater exiting the FSE property and entering into the sanitary sewer system. GCE includes grease traps and grease interceptors or other devices approved by the public works supervisor.

(7) Grease interceptor. An interceptor whose rated flow exceeds fifty gallons per minute (50 g.p.m.) and is located outside the building.

(8) Grease trap. An interceptor whose rated flow is fifty gallons per minute (50 g.p.m.) or less and is typically located inside the building.

(9) Grease recycle container. A container used for the storage of yellow grease for recycling.

(10) Interceptor. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity flow.

(11) Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sanitary sewer collection operation, the treatment processes or operations, or the sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(12) Tee (influent and effluent). A T-shaped pipe attached to the horizontal influent and effluent pipes of a grease interceptor and extending

downward into the trap to depths specified by design which on the influent side forces influent flow into the center of the trap and prevents floating FOG from escaping the effluent pipe.

(13) Black water. Wastewater containing human waste from sanitary fixtures such as toilets and urinals.

(14) Gray water. Refers to all other wastewater other than black water.

(15) Public works supervisor. The town official or employee charged with the responsibility of implementing this chapter. (as added by Ord. #3-15, June 2015)

18-504. Discharge of FOG. "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 (sanitary sewer system of town)". Prohibited discharges include, "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 a temperature between thirty-two (32) or one hundred fifty degrees (150°) F or (0 to 65° C). (as added by Ord. #3-15, June 2015)

18-505. Interference with the sanitary sewer system operations. Any user who discharges animal and vegetable fat, oil, and grease in the volume or form which interferes with the operation of the sanitary sewer system may be subject to enforcement actions as specified in § 18-514 of this chapter and may be billed for cleanup charges incurred by the town when that user's discharge causes operation and maintenance problems in the sanitary sewer system such as blockages, backups, overflows, interruption of service, excessive FOG accumulation in lift stations and pipes, and other FOG related problems that are tracked to that user's discharge. (as added by Ord. #3-15, June 2015)

18-506. Control of FOG. (1) All existing and new FSEs shall effectively control the discharge of FOG into the sanitary sewer system. A Class 1 FSE may do this through the use of restaurant industry best management practices such as those published by the National Restaurant Association. See: <http://www.foodservicerresource.com>. If best management practices fail to prevent sanitary sewer system interferences, Class 1 FSEs shall install Grease Control Equipment (GCE) as specified in § 18-508, or by the public works supervisor.

(2) All new Class 2-5 FSEs shall install grease control equipment in sizes specified in § 18-507 or by the public works supervisor and properly maintain that equipment in such a way to prevent interference with the sanitary sewer system.

(c) Existing FSEs that do not meet these minimum sizes may continue to use existing GCE and/or best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the public works

supervisor gives written permission stating that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the public works supervisor that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE shall have sixty (60) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(4) All FSEs with GCE shall maintain records of cleaning and maintenance of that equipment. Records include at a minimum the date of cleaning or maintenance, company or person conducting the cleaning or maintenance, and the amount of grease and water removed from the equipment. A grease waste hauler completed manifest will meet this requirement.

(5) Yellow grease such as fryer oil, shall not be discharged into the GCE or into stormwater conveyances. The use of yellow grease recycling containers is encouraged.

(6) Owners of commercial property will be held responsible for wastewater discharges from FSE leaseholders on their property.

(7) All FSEs shall provide access to town utility personnel (after proper identification) for the purpose of inspection of GCE, kitchen equipment and practices, and any cleaning and drain remediation products which relate to the wastewater and FOG discharge. (as added by Ord. #3-15, June 2015)

18-507. Grease Control Equipment (GCE). (1) Minimum acceptable size of GCE is as follows. Larger sizes may be required by the public works supervisor.

- (a) Class 1: 20 gpm/40 lbs grease trap.
- (b) Class 2: 500 gallon grease interceptor.
- (c) Class 3 1,000 gallon grease interceptor.
- (d) Class 4: 1,500 gallon grease interceptor.
- (e) Class 5 2,000 gallon grease interceptor.

(2) Any FSE either new or existing that is found by the public works supervisor to be interfering with the sanitary sewer system may be asked to install GCE that is larger than the minimum size and take other steps to stop that interference.

(3) Existing FSEs that do not meet these minimum sizes may continue to use existing GCE and/or best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the public works supervisor gives written permission stating that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the public works supervisor that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE shall have sixty (60) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(4) Additionally FSEs that discharge the water from dishwashing machines through a grease interceptor shall install a GCE which is larger than

the minimum to allow for cooling of the discharge and thereby prevent discharge of FOG into the sanitary sewer system.

(5) Grease traps. These small, under-the-counter units shall be installed according to drawings provided by the public works supervisor and shall include vented flow restrictor prior to the trap. Dishwashing machines shall not be installed onto these units. Failure to follow this requirement will render the trap ineffective and the FSE shall be instructed to install a large external grease interceptor. (as added by Ord. #3-5, June 2015)

18-508. Installation of GCE. (1) Owners/users are responsible for installation of the GCE.

(2) Grease traps shall be installed according to the requirements in § 18-507.

(3) Grease interceptors shall be substantially similar to sample drawings available from the public works supervisor.

(4) Tanks must be water tight and protected from rainwater inflow and infiltration.

(5) Two (2) access manholes with a minimum of twenty-four inch (24") diameter shall be provided, one (1) directly over the influent pipe and Tee and one (1) directly over the effluent pipe and Tee.

(6) Influent and effluent pipes shall be four inches (4") or larger PVC Schedule 40 or stronger.

(7) Influent and effluent pipes shall be equipped with Tee fittings properly positioned as follows. Influent flow shall be directed downward and the tee shall terminate twenty-four inches (24") below the water surface. Effluent tee shall block all surface grease and terminate twelve inches (12") above the bottom of the unit.

(8) The tank shall be constructed to have two (2) compartments. Two thirds (2/3) of the volume shall be in the influent side and one third (1/3) on the effluent side. A solid baffle wall shall extend from the bottom to within six inches (6") of the top and shall be equipped with a six inch (6") elbow installed in the baffle wall with drawing flow from the influent side of the unit at a depth of twelve inches (12") from the bottom.

(9) Manhole covers shall be of materials and strength to withstand expected surface loads, and secured to prevent accidental entry.

(10) Interceptors shall be located for effective cleaning and not blocked by structures or landscaping.

(11) Interceptor sizes greater than two thousand five hundred (2,500) gallons shall be served by two tanks installed in series. (as added by Ord. #3-15, June 2015)

18-509. Maintenance of GCE. (1) Owners/users are responsible for maintenance of the GCE.

(2) Grease traps should be cleaned once every two (2) weeks, or sometimes more often, if the combined depth of FOG and solids exceed fifty percent (50%) of the trap.

(3) Grease interceptors shall be pumped when the layer of FOG and settled solids combined reaches twenty-five percent (25%) of the tank depth.

(4) When grease interceptors are pumped, the entire contents, FOG layer, settled solids and water shall be fully removed. No water may be returned to the tank.

(5) Interceptors shall be inspected for deterioration and damage by the waste grease hauler each time the unit is cleaned.

(6) Deteriorated or damaged tanks shall be repaired or replaced within sixty (60) days of notice of such conditions. (as added by 3-15, June 2015)

18-510. Additives. (1) Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria. They may be inorganic or organic in origin.

(2) The use of additives is prohibited with the following exceptions:

(a) Additives may be used to clean FSE drain lines but only in such quantities that will not cause FOG to be discharged from the GCE to the sanitary sewer or cause temporary breakdown of the FOG that will later re-congeal in the downstream sewer pipes.

(b) If a product used can be proven to contain one hundred percent (100%) live bacteria, with no other additives, a request for permission to use the product shall be made to the public works supervisor. The request must be submitted in writing with a full disclosure material safety data sheet and a certified statement from the manufacturer. (as added by Ord. #3-15, June 2015)

18-511. Implementation. This chapter empowers the public works supervisor to adopt reasonable operating policies to facilitate the implementation of this chapter. These policies may include but are not limited to: FSE inspections, GCE sizing and maintenance, FSE wastewater discharge testing and monitoring, approval or disapproval of GCE servicing vendors (grease waste haulers), permitting of FSEs, and other operating policies needed to protect the sanitary sewer system from interference from FOG. (as added by Ord. #3-15, June 2015)

18-512. Fees. This chapter empowers the town to establish fees (through a separate fee ordinance) to offset costs associated with the implementation of this chapter. Possible fees include: inspection fees, permitting fees, surcharge fees for high strength discharges, cleanup fees associated with FOG cleanup within the sanitary sewer system, and other fees necessary for implementation of this chapter. (as added by Ord. #3-15, June 2015)

18-513. Permitting. The town may use wastewater discharge permits in § 18-207 as a way of implementing this chapter, and may further require the permitting or certification of GCE service and pumping vendors. (as added by Ord. #3-15, June 2015)

18-514. Enforcement. Repeated or continuous violation of this chapter is declared to be a public nuisance and may result in legal action against the property owner and/or user, and the water or sewer service may be disconnected. The public works supervisor may take administrative actions for the enforcement of this chapter. Upon notice by the public works supervisor that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The town may take any or all of the following remedies but must complete (1) and (2) before progressing to higher levels of enforcement:

- (1) Issue a notice of violation,
- (2) Issue a non compliance notification,
- (3) Discontinuance or disconnection of water and/or sewer service,
- (4) Issue a wastewater discharge permit,
- (5) Cite the user to town or general sessions court, where each day of violation shall constitute a separate offense.

(6) In an emergency situation where the public works supervisor has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the public works supervisor may discontinue water service or disconnect sewer service.

(7) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user and further seeking an injunction prohibiting further violations by user.

(8) Seek further remedies as needed to protect public health, public safety, public welfare, public water supply or facilities of the sewerage system. (as added by Ord. #3-15, June 2015)

18-515. Severability. If any section, phrase, sentence or portion of this chapter is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of remaining portions thereof. (as added by Ord. #3-15, June 2015)

CHAPTER 6

DROUGHT MANAGEMENT PLAN

SECTION

- 18-601. Authority and status to plan.
- 18-602. System characteristics and risks.
- 18-603. Purpose of the drought management plan.
- 18-604. Drought management plan within the context of an EOP.
- 18-605. The planning committee.
- 18-606. Goals -- objectives and priorities.
- 18-607. General water uses in order of priority.
- 18-608. Interconnections, mutual aid agreements and backup sources.
- 18-609. Ordinances, policies and legal requirements.
- 18-610. Well static water levels.
- 18-611. Phased management.
- 18-612. Drought alert.
- 18-613. Voluntary water reductions.
- 18-614. Mandatory water restrictions.
- 18-615. Emergency water management.
- 18-616. Monitor supply and demand.
- 18-617. Management team.
- 18-618. Review, evaluation and up-dating the management plan.

18-601. Authority and status to plan. Town of White Pine, Tennessee is a municipal corporation chartered and organized under the laws of the State of Tennessee. The Town of White Pine owns and operates a water treatment plant and distribution system serving the citizens of White Pine and the surrounding area. The mayor of White Pine has the authority to implement a drought management plan the chief water treatment plant operator has been given the responsibility to complete the plan. (as added by Ord. #07-16, June 2016)

18-602. System Characteristics and Risks. The White Pine Water System has approximately one thousand four hundred twenty five (1,425) water connections. Using the household factor of two and one-half (2.5) persons per household for the White Pine Water District this is equivalent to approximately three thousand five hundred sixty (3,560) persons. The usage is categorized as follows:

Water Use Category	Use in Gallons (Avg)	Percent of Total Usage	Peak Water Use	Percent Of Total Usage	Increase in Gallons	Percent Increase (Peak over Avg)
Residential	4,316,850	63	4,905,300	56	588,450	31
Commercial	2,541,318	36	3,842,200	43	1,300,882	68
Industrial	47,636	1	83,600	1	35,964	1
Total	6,905,804	100	8,831,100	100	1,925,296	100

The White Pine Water Treatment Plant is a conventional groundwater plant with a design capacity of approximately one half (0.50) million gallons per day. Average usage for the system is approximately two hundred eighty four thousand (284,000) gallons per day. The maximum daily pumpage in recent years, which occurred in July, 2014, was four hundred ninety three thousand (493,000) gallons. The treatment plant uses the three (3) wells as its raw water source. The distribution system contains four (4) water storage tanks with a combined capacity of one million two hundred thousand (1,200,000) gallons. (as added by Ord. #07-16, June 2016)

18-603. Purpose of the drought management plan. Typically drought has not affected the water source in past years. The purpose of this plan is to reduce water demand in the event of a drought where existing water supplies are inadequate to meet current demand for potable water. The significance of taking into account water use on average and during peak water demand (though it may not reflect an extreme or exceptional drought) is that system officials can identify water uses that have the potential to be reduced more easily. The point here is to identify potential discretionary or non-essential water uses. It is evident from the data above that water use by residential users typically increases thirty one percent (31%) over average water use. The sixty eight percent (68%) increase in commercial use indicates that this area may be easily reduced.

Because water use data reflects a typical peak summer water use but not necessary a moderate, severe or extreme drought, additional water use could be expected by residential customers on the system to water cattle and other livestock, though they usually rely on ponds and small streams which are likely to be depleted in a severe drought.

During the droughts of 2007 and 2008, the water treatment plant was able to meet customer demand with no restrictions implemented. Static water levels in our wells remained at normal levels. Presently there are connections with neighboring water systems. An emergency connection with Witt Utilities. Their source comes from the Nolicucky River and they can supply the Town of

White Pine with one hundred percent (100%) of needed water. (as added by Ord. #07-16, June 2016)

18-604. Drought management plan within the context of an EOP.

Development of the town's drought management plan and EOP were assigned to the chief water plant operator. He organized a team of individuals, including employees and local officials to help organize and frame the plan. Your town's EOP addresses line breaks, storms, earthquakes, hazardous material spills and civil disturbances. The EOP is not available for public scrutiny. The drought management plan focuses attention on managing supplies and demand during a declared drought. (as added by Ord. #07-16, June 2016)

18-605. The planning committee. The Town of White Pine drought management plan is a separate component of the Emergency Operation Plan (EOP). It was developed by water department staff of the town, but included a focus group in its development and review. Unlike the EOP to which the drought plan is an "annex," the drought plan includes a standby rate structure, restricts some water uses and in some cases bans other water uses at times. The drought management plan was adopted by the mayor and town council. The final adoption process was the normal process used by city council to adopt ordinances allowing for public comment. The drought committee met on May 16, 2016. (as added by Ord. #07-16, June 2016)

18-606. Goals – objectives and priorities. The initial goal of the drought management plan was to provide water to all priority uses as established by the water system under worsening drought conditions (three (3) levels). The water users and levels of water availability take into account the maintenance of public health and safety, sustaining economic activity, preserving critical environmental resources and life activities. (as added by Ord. #07-16, June 2016)

18-607. General water uses in order of priority. (1) Medical facilities;

(2) Human consumption (drinking water, domestic cooking, bathing, toilet use);

(3) Fire protection (structural facilities, and hazardous situations);

(4) Pets (animal hospitals, kennels) and livestock;

(5) Environment (erosion, aquatic habitat);

(6) Commercial uses (restaurant, laundry, office, retail);

(7) Industry and manufacturing (sanitation, process, cooling);

(8) Recreation (pools, athletic fields);

(9) Landscape (shrubbery) watering (home and commercial); and

(10) Lawn watering, vehicle washing (home and commercial). (as added by Ord. #07-16, June 2016)

18-608. Interconnections, mutual aid agreements and backup sources. As a result of customers with livestock on the system with potentially inadequate streams, the plan calls for the use of fire department tankers to haul water from area streams (having available water) to assist farmers with livestock. A portion of the additional funds needed to support this activity would come from revenues generated by standby rates with the remaining funds from fees for services from farmers. (as added by Ord. #07-16, June 2016)

18-609. Ordinances, policies and legal requirements. The city's drought management plan, rules, ordinances, and policies are available for review. Copies can be examined at the White Pine Public Library. (as added by Ord. #07-16, June 2016)

18-610. Well static water levels. During periods of drought or impending drought, operators at the Town of White Pine Water Treatment Plant will monitor the static water levels of system wells. US Drought Monitor (<https://www.drought.gov/gdm/current-conditions>) will be monitored to determine severity of drought. In the event that the static water levels begin to approach preset trigger points, the Tennessee Division of Water Resources will be contacted to discuss possible actions. (as added by Ord. #07-16, June 2016)

18-611. Phased management. The drought response plan is broken into four phases:

- (1) Drought alert;
- (2) Voluntary water reductions;
- (3) Mandatory water restrictions; and
- (4) Emergency water management.

The drought management phases and sets of trigger points along with their associated goals are described below. Failure to achieve a management phases goal within a reasonable time shall call for the next phase to be implemented.

18-612. Drought alert. In the drought alert phase, no reduction in water use demand is planned. The Town of White Pine Water System will focus on monitoring conditions, prepare for the possible implementation of "voluntary reductions," and call its drought task force group together to review the plan and next-step actions. (as added by Ord. #07-16, June 2016)

18-613. Voluntary water reductions. Under "voluntary reductions" The Town of White Pine has established a water use reduction goal of ten percent (10%) . This figure corresponds to approximately thirty thousand (30,000) gallons per day water use judging by peak usage. Among the trigger points for implementing this phase would be a drop in static water levels of twenty percent (20%) or an increase in the usage to six hundred thousand (600,000) gpd for five (5) consecutive days. The public appeal would consist of

news releases to the media (weekly newspaper, local radio and regional television stations). Customers will be encouraged to use efficient water practices, e.g., watering lawns between sunset and sunrise, along with the more careful watering of shrubs and other landscape plantings. (as added by Ord. #07-16, June 2016)

18-614. Mandatory water restrictions. The goal of activating a "mandatory water restrictions" phase would be to reduce water demand by customers by fifteen percent (15%) (from estimated peak demand). This would amount to a reduction of approximately one hundred twenty thousand (120,000) gpd. Vehicle washing will be restricted. Restrictions to car/vehicle washing will apply to commercial car washes that do not re-cycle water and to the domestic washing of cars, etc. Lawn and landscape watering will be restricted. To assist in reducing usage, the water system will reduce the amount of flushing where possible. Among the trigger points for implementing this phase would be a drop in static water levels of forty percent (40%) or an increase in the usage to six hundred fifty thousand (650,000) gpd for five (5) consecutive days. Restrictions will be provided to the public through the media and posted in public buildings such as libraries, city hall, court house, banks and grocery stores. A fifteen dollar (\$15.00) surcharge will be assessed to all customers using over three thousand (3,000) gallons per month. System personnel will be utilized to monitor compliance with restrictions. Customers will also be requested to report violators of the restrictions.

The following will be used to enforce restrictions:

- (1) First offense - A written warning will be issued.
- (2) Second offense - A fifty dollar (\$50.00) fine.
- (3) Third offense - Customer's water service will be discontinued for a minimum of five (5) days.

A reconnection fee will be required to have service restored. (as added by Ord. #07-16, June 2016)

18-615. Emergency water management. The "emergency water management" phase of the drought plan would be triggered by severe water pressure or other hydraulic issues, the static water level drops fifty percent (50%) or more or the daily usage reaches seven hundred thousand (700,000) gpd for five (5) consecutive days. The purpose of this phase would be to reduce water use to twenty-five percent (25%) of the peak demand. This would be a reduction of approximately two hundred thousand (200,000) gpd. The media will be used to strongly encourage all customers to curtail any nonessential usage. A twenty-five dollar (\$25.00) surcharge will be assessed to all customers using over three thousand (3,000) gallons per month. System personnel will be utilized to monitor compliance with restrictions. Customers will also be requested to report violators of the restrictions.

The following will be used to enforce restrictions:

- (1) First offense - A written warning will be issued.
- (2) Second offense - A fifty dollar (\$50.00) fine.
- (3) Third offense - Customer's water service will be discontinued for a minimum of fifteen (15) days.

A reconnection fee will be required to have service restored. (as added by Ord. #07-16, June 2016)

18-616. Monitor supply and demand. The Town of White Pine established three (3) drought management phases in addition to a "drought alert" phase. All four (4) phases are described below. In addition, numerous trigger points were identified signaling the beginning of a phase. (as added by Ord. #07-16, June 2016)

18-617. Management team. The Town of White Pine designated the chief water treatment plant operator to be the drought plan implementation manager. He is ultimately in charge of managing the water system. In addition, the mayor of the town, the chief of the fire department and distribution supervisor make up the drought management group responsible for overseeing the implementation of the plan. They advise and assist the chief operator in gathering information, assessing the situation and recommend/advise/approve the chief operator's actions. The task group is activated and will meet as necessary once a "drought alert" has been initiated. A "drought alert" corresponds to the US Drought Monitor's categorization of the water system's service area as being characterized as under "severe" drought conditions. The task group monitors water system conditions, including water demand, water supply, forecasted conditions, hydraulic conditions, water quality issues, impacted communities, public notification, plan modifications, staffing, trigger points and other issues related to the implementation of the plan. The task group and chief operator must also maintain records of their actions, system conditions at the time of management actions taken, and their effects. Finally, the drought management group and plan implementation manager must also determine and announce the step-down and/or deactivation of the plan. (as added by Ord. #07-16, June 2016)

18-618. Review, evaluation and up-dating the manage. The drought management plan was adopted on June 28, 2018 by the town council. The drought manager will review the plan within six (6) months after any phase of the plan has been implemented and/or every five (5) years. Refinements to the drought management plan will be made as necessary. The drought manager is responsible for making the review and presenting that review before the council. (as added by Ord. #07-16, June 2016)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY

SECTION

19-101. Appalachian Electric Cooperative to furnish.

19-101. Appalachian Electric Cooperative to furnish. The Appalachian Electric Cooperative, Jefferson City, Tennessee, shall furnish electricity to the Town of White Pine and its inhabitants in accordance with such administrative rules and regulations as the Cooperative shall prescribe and subject to such police regulations as the town shall adopt. (1978 Code, § 13-301)

CHAPTER 2**GAS****SECTION**

19-201. Public Utility District of Jefferson and Cocke Counties, Tennessee, to furnish.

19-201. Public Utility District of Jefferson and Cocke Counties, Tennessee, to furnish. The Public Utility District of Jefferson and Cocke Counties, Tennessee, shall furnish gas to the Town of White Pine and its inhabitants in accordance with such administrative rules and regulations as the District shall prescribe and subject to such police regulations as the town shall adopt. (1978 Code, § 13-401)

TITLE 20**MISCELLANEOUS****CHAPTER**

1. RECREATION COMMITTEE.
2. PARK RULES AND REGULATIONS.
3. FAIR HOUSING.
4. COLLECTION AND ADMINISTRATION OF DONATIONS TO ELIGIBLE NON-PROFIT CORPORATIONS BY WHITE PINE WATER DEPARTMENT.

CHAPTER 1**RECREATION COMMITTEE****SECTION**

- 20-101. Recreation committee created.
- 20-102. Purpose.
- 20-103. Duties.
- 20-104. Appointments.
- 20-105. Number of members.
- 20-106. Compensation.
- 20-107. Officers.
- 20-108. Terms of members.
- 20-109. Removal.
- 20-110. Meetings.
- 20-111. Order of business.
- 20-112. Rules of order.

20-101. Recreation committee created. There is hereby created a White Pine Parks and Recreation Committee, hereinafter referred to as the "committee". (1978 Code, § 12-409)

20-102. Purpose. The purpose of the committee is to advise and recommend on park rules and regulations. (1978 Code, § 12-410, as replaced by Ord. #1-18, June 2018)

20-103. Duties. The duties of the committee is to advise the council about changes in park rules and regulations. (1978 Code, § 12-411, as replaced by Ord. #1-18, June 2018)

20-104. Appointments. The appointments to the committee shall be made by the council by majority vote upon nomination from the members of the board of mayor and aldermen. (1978 Code, § 12-412, as replaced by Ord. #1-18, June 2018)

20-105. Number of members. (1) The committee shall consist of six (6) members, one (1) of which shall be a member of the council.

(2) One (1) member shall be a representative of the youth of the town (fifteen to twenty (15-20) years of age).

(3) The additional members shall be residents of the Town of White Pine. (1978 Code, § 12-413, as replaced by Ord. #1-18, June 2018)

20-106. Compensation. All members of the committee shall serve without pay. (1978 Code, § 12-414)

20-107. Officers. A chairman and vice-chairman shall be elected by the members of the committee for one (1) year terms during the first meeting in July each year. The vice chairman will also serve as secretary. (1978 Code, § 12-415, as replaced by Ord. #1-18, June 2018)

20-108. Terms of members. All members of the committee shall be appointed for terms of four years. Members of the committee at passage of this section shall complete their terms as scheduled. (1978 Code, § 12-416)

20-109. Removal. Committee members serve at council's leisure and may be removed at anytime by majority vote of city council. In addition, any member who misses three consecutive meetings or more than six regular meetings in any twelve month period shall automatically be removed from the committee, a vacancy declared by the chairman, and a replacement appointed as provided above. (1978 Code, § 12-417)

20-110. Meetings. The committee will meet on a quarterly schedule beginning in January on the last Monday of each month at 6:00 P.M. (1978 Code, § 12-418, as replaced by Ord. #1-18, June 2018)

20-111. Order of business.

- (1) Call to order.
- (2) Roll call.
- (3) Reading of minutes.
- (4) Reports from committees, officers.
- (5) Citizen comments.
- (6) Old business.
- (7) New business.
- (8) Adjournment. (1978 Code, § 12-419)

20-112. Rules of order. Robert's Rules of Order shall be observed at all meetings. (1978 Code, § 12-420)

CHAPTER 2

PARK RULES AND REGULATIONS

SECTION

- 20-201. In general.
- 20-202. Automobiles and motorized vehicles.
- 20-203. Park buildings and facilities.
- 20-204. Animals.
- 20-205. Solid waste disposal and fire protection.
- 20-206. Protection of vegetation.
- 20-207. Scheduling for recreational activities.
- 20-208. Swimming pool rules and regulations.

20-201. In general. (1) The park is open for public recreation during the hours of 8:00 a.m. to 11:00 p.m. on weekdays, 6:00 a.m. to 11:00 p.m. on Saturdays, Sundays, and legal holidays.

(2) No peddling, soliciting, or commercial enterprises are permitted in the park without prior consent of the board of mayor and aldermen.

(3) Disturbing noise is not permitted at any time.

(4) Disorderly conduct, abusive language, noisy disturbances, or disregard of these rules and regulations will be grounds for immediate removal of a violator from the park by the police or authorized town officials.

(5) Parents or participants will be held responsible for any damage caused by their children. Parents or participants will also be held responsible for the conduct of their children.

(6) Children should not be left unattended in the park.

(7) Persons are responsible for any violations of these rules and regulations caused by a willful act, negligence, or gross neglect or abuse by themselves or by a member of their family.

(8) No person shall have in their possession any intoxicating beverage while in or upon property of the city parks.

(9) The board of mayor and aldermen will not be responsible for accidents, injuries, or loss of property by fire, theft, wind, floods, or other natural acts which are beyond its control. Equipment furnished on the grounds are solely for the public's convenience and used at an individual's own risk.

(10) Persons should immediately notify the city offices or police of hazardous conditions in the parks, or conditions which are in violation of these rules and regulations.

(11) Any substantial, continuing, or repeated violation of these rules and regulations that is uncorrected and that causes damage to a dwelling or property or seriously interferes with the comfort, enjoyment, or safety of another user shall be grounds for permanent loss of the right to use the park facilities by such an individual.

(12) Air rifles, B-B guns, bow and arrows, or other guns and dangerous objects may not be used in the park.

(13) The board of mayor and aldermen are not responsible for any personal injury incurred while using playground equipment. Children use it at their own risk.

(14) The city administration reserves the right to add to or alter these rules and regulations as circumstances require.

(15) No overnight camping is allowed on park property. (1978 Code, § 12-401)

20-202. Automobiles and motorized vehicles. (1) Motor vehicles shall be parked only in the designated areas. Motor vehicles parked elsewhere or on the grass will be towed at the owner's expense. No auto repairs are allowed anywhere or anytime on park property.

(2) Speed limit in the park is 15 miles per hour and must be observed at all times. Drivers must be alert for children and pedestrians.

(3) Bicycles, roller skates, and other types of nonmotorized vehicles must be used safely, properly, and without the possibility of injury to others.

(4) Disturbing or careless operation of motorcycles, automobiles, or other types of motor vehicles will be grounds for removal from the park and or citation by the police department. (1978 Code, § 12-402)

20-203. Park buildings and facilities. (1) Park buildings and facilities are provided for the public's convenience and pleasure. Persons have a responsibility to use the facilities with respect for others and to keep them neat and clean. Any irregularities should be reported immediately to the city office.

(2) No pets are allowed in park buildings at any time.

(3) No street shoes on tennis and basketball courts.

(4) No food and drinks on tennis and basketball courts.

(5) Limit play time on courts to one hour when others are waiting. (1978 Code, § 12-403)

20-204. Animals. Pets are permitted in the park only if they are on a leash that is at least 6 feet and no more than 10 feet in length. Pets shall be kept under supervision at all times and not allowed to run at large or commit any nuisance in the limits of the parks. Violation of this regulation will lead to the removal of both animal and owner. (1978 Code, § 12-404)

20-205. Solid waste disposal and fire protection. (1) Garbage and trash must be placed in proper receptacles.

(2) Fires are permitted only in fireplaces. No open fires are permitted elsewhere on park property. (1978 Code, § 12-405)

20-206. Protection of vegetation. (1) Trees and shrubs are not to be climbed, hung on, or used as poles for game nets or swings. Proper equipment is available.

(2) No bills can be posted on the trees or shrubs, nor can any nails, screws, or other foreign objects be driven into plants.

(3) Activities that will damage the grass or flowers such as open fires or unauthorized digging are strictly prohibited. (1978 Code, § 12-406)

20-207. Scheduling for recreational activities. (1) No person shall use any park within the city except for recreational purposes or use to which such property is customarily

devoted. No carnival, circus, rodeo, or similar show or attraction may operate in any city park without prior permission of the board of mayor and aldermen.

(2) The scheduling of recreational facilities for activities and events within the city parks shall be coordinated through the city administrator's office and the director of parks and recreation. Recreational events of activities that are sponsored by or supervised by city recreation department and staff shall maintain priority in the use of city park facilities. Other groups or events wishing to reserve the use of park facilities should obtain a written permit from the department of parks and recreation. There shall be no fee for such a permit, but this is not to say that regular admission charges are waived.

(3) Any carnival, circus, rodeo, group, club, individual, firm, or corporation using the park for any purpose or promoting any activity therein must agree to repair any damage done to fields, fences, stands, light poles, structures, landscaping, or other improvements caused by its use of park facilities and shall further agree to clear the park of all rubbish, trash, or other debris immediately after such use. Any violation of the section shall result in forfeiture of the right to further use the park.

(4) The city administration has the right to negotiate agreements for the use of park facilities with bonafide groups subject to the approval of the recreation board, and which are in keeping with other sections of this chapter. (1978 Code, § 12-407)

20-208. Swimming pool rules and regulations. The city administration has the right to establish specific rules and regulations to govern the municipal pool. These rules, upon approval of the recreation board, shall have the force of this chapter. (1978 Code, § 12-408)

CHAPTER 3

FAIR HOUSING

SECTION

20-301. Definitions.

20-302. Discriminatory acts declared unlawful.

20-303. Exception for religious organizations.

20-304. Unlawful discriminatorily to deny access to multiple listing services, etc.

20-305. Board's educational activities with regard to fair housing.

20-306. Complaints; prosecution of actions.

20-307. Remedies not exclusive.

20-301. Definitions. Whenever used in this chapter, the following words and terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location of any such building.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trust, unincorporated organizations, trustees and trustees in bankruptcy, receivers, and fiduciaries.

(4) "To rent" includes to lease, to sublease, to let, and otherwise to grant for consideration the right to occupy premises not owned by the occupant. (1978 Code, § 4-601)

20-302. Discriminatory acts declared unlawful. Subject to the exceptions hereinafter set out, it shall be unlawful for any person to do any of the following acts:

(1) To refuse to sell or rent after the making of a bona fide offer to do so or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, national origin, or sex.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith because of race, color, religion, national origin or sex.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, or sex.

(4) To represent to any person because of race, color, religion, national origin, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, or sex. (1978 Code, § 4-602)

20-303. Exception for religious organizations. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, or sex. (1978 Code, § 4-603)

20-304. Unlawful discriminatorily to deny access to multiple listing services, etc. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation on account of race, color, religion, national origin, or sex. (1978 Code, § 4-604)

20-305. Board's educational activities with regard to fair housing. The White Pine board of mayor and aldermen, or its properly designated substitute, is authorized and directed to undertake such educational and conciliatory activities as in its judgment will further the purposes of this chapter. It may call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions hereof and the board's suggested means of implementing it. The board or its substitute shall further endeavor, with the advice of the housing industry and other interested parties, to work out programs of voluntary compliance and may advise appropriate city officials on matters of enforcement. The board or its substitute may issue reports on such conferences and consultations as it deems appropriate. (1978 Code, § 4-605)

20-306. Complaints; prosecution of actions. Any person who claims to have been injured by an act made unlawful by this chapter, or who claims that he will be injured by such an act, may file a complaint with the mayor of the city. A complaint shall be filed within 180 days after the alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and be in such form as required by the board of mayor and aldermen. Upon receipt of a complaint, the board or its substitute shall promptly investigate it and shall complete its investigation within fifteen (15) days. If a majority of the board or its substitute finds reasonable cause to believe that a violation of this chapter has occurred, or if a person charged with violation of this chapter refuses to furnish information to said board or its substitute, the board or its substitute may request the city attorney to prosecute an action in the city court against the person charged in the complaint. Such request shall be in writing.

Upon receiving such written request and with the assistance of the aggrieved person and said board or its substitute, within fifteen (15) days after receiving such request the city attorney shall be prepared to prosecute an action in the city court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense. (1978 Code, § 4-606)

20-307. Remedies not exclusive. Nothing in this chapter requires any person claiming

to have been injured by an act made unlawful by this chapter to exhaust the remedies provided herein; nor does this chapter prevent any such person from seeking relief at any time under the federal civil rights acts or other applicable legal provisions. (1978 Code, § 4-607)

CHAPTER 4

COLLECTION AND ADMINISTRATION OF DONATIONS TO ELIGIBLE NON-PROFIT CORPORATIONS BY WHITE PINE WATER DEPARTMENT

SECTION

20-401. Water department permitted to collect voluntary donations.

20-402. Eligibility to participate.

20-403. Application.

20-404. Collection of voluntary donations.

20-401. Water department permitted to collect voluntary donations. The White Pine Water Department is hereby permitted to collect voluntary donations in the amount of one dollar (\$1.00) per month from any citizen(s) of the Town of White Pine who wishes to donate to an eligible non-profit corporation. Said funds shall be collected through any means determined to be most efficient by the White Pine Water Department and any such collections shall be accounted for and kept separate from town funds to be paid entirely to the non-profit corporation to which they are designated. (as added by Ord. #7-10, Nov. 2010)

20-402. Eligibility to participate. To be eligible for participation in this program, an entity must:

(1) Be a non-profit corporation in existence no less than three (3) years and be active and in good standing with the Tennessee Secretary of State;

(2) Provide a copy of the entities' corporate charter evidencing that the entity is designated as a public benefit corporation pursuant to Tennessee Code Annotated, § 48-68-104 and further evidencing a mission to help youth of all backgrounds, with special concerns for those from disadvantaged circumstances, develop the qualities needed to become responsible citizens and leaders, irrespective of race, color, creed, or national origin.

(3) Be designated as tax-exempt pursuant to section 501(c)(3) of the Internal Revenue Code;

(4) Be exempt from property taxation under Tennessee Code Annotated, § 67-5-212 if real or personal property is owned by the entity in the State of Tennessee; and

(5) Possess and provide a data universal numbering system number issued by Dun and Bradstreet. (as added by Ord. #7-10, Nov. 2010)

20-403. Application. An eligible non-profit corporation wishing to participate in this program shall make application to the Town of White Pine on a form prescribed by the town recorder and said applicant shall include therewith all information and/or material necessary to evidence its eligibility in this program as set forth in § 20-402 hereof. Upon approval of an application by the town recorder, the applicant shall submit payment to the town, as estimated by the town recorder, for any and all expenses to be incurred by the White Pine Water Department associated with the collection of voluntary donations. (as added by Ord. #7-10, Nov. 2010)

20-404. Collection of voluntary donations. Upon approval of an application by the town recorder and payment to the town pursuant to § 20-403 hereof, the White Pine Water Department shall commence collection of voluntary donations, as provided herein, in connection with its next monthly billing cycle or later if so directed by the applicant. (as added by Ord. #7-10, Nov. 2010)

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF WHITE PINE TENNESSEE.

WHEREAS some of the ordinances of the Town of White Pine are obsolete, and

WHEREAS some of the other ordinances of the town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of White Pine, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "White Pine Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF WHITE PINE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "White Pine Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.


Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

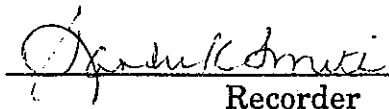
Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, _____ May 5 _____, 19 98.

Passed 2nd reading, _____ June 2 _____, 19 98.



Mayor



Recorder