

**THE  
WARTRACE  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

February 1995

**TOWN OF WARTRACE, TENNESSEE**

**MAYOR**

Donald R. Gallagher

**ALDERMEN**

Roston Floyd  
Jean Gallagher  
Patsy Gregory  
Thomas Hurt  
Patsy Throneberry

**RECORDER**

Laura P. Gentry

## PREFACE

The Wartrace Municipal Code contains the codification and revision of the ordinances of the Town of Wartrace, 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 town's ordinance book or the city **recorder** for a comprehensive and up to date review of the town's ordinances.

Following this preface is an outline of the ordinance adoption procedures, if any, prescribed by the town'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 town is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the town 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 Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini  
Legal Consultant

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

**SECTION 7. MAYOR'S VETO POWER; PASSAGE OF ORDINANCES; MAYOR'S POWER TO APPOINT AND SUSPEND OFFICERS; SPECIAL BOARD MEETINGS; EXPENDITURE OF CORPORATE FUNDS.** It shall be the duty of the Mayor to carefully examine all bills and ordinances passed by the Board of Mayor and Aldermen before affixing his signature thereto. Should the same not meet with his approval, he shall at the next regular meeting of the Board after the passage of such bill or ordinance, or at the next succeeding meeting as hereinafter provided, return the same with his objections in writing and no law so vetoed shall go into effect unless the same shall be again passed by a majority of the entire Board.

Every ordinance shall be copied or printed in the Board's minutes on its third and final reading if passed. No ordinance shall become a law unless the same shall be passed on three separate readings and dates by a majority vote and until the same shall have been signed by the Mayor, unless he shall fail to veto the same by the next regular or succeeding regular meeting as herein before provided.

All general ordinances shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of the Wartrace Municipal Code. Periodically thereafter all affected pages of the Code shall be revised to reflect such changes. References to the amending ordinances will be included on such revised pages of the Code.

When any ordinance shall have passed its third and final reading and the Mayor shall fail to sign the same by the next regular meeting, if five days shall have elapsed since its final passage, and if not then by the next succeeding regular meeting, then said ordinance shall become a law without his signature.

## TITLE 1

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

#### CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. **RECORDER.**
4. MISCELLANEOUS.

#### CHAPTER 1

### BOARD OF MAYOR AND ALDERMEN<sup>2</sup>

#### SECTION

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

**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 second Monday night of each month at the town hall. (1960 Code, § 1-101)

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

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

#### Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

#### <sup>2</sup>Charter references

Compensation: § 5.

Oath of office: § 3.

Powers: § 6.

Qualifications: § 2.

Term of office: § 10.

Vacancy in office: § 2.

**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 members present:

- (1) Call to order by the mayor.
- (2) Roll call by the [REDACTED].
- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1960 Code, § 1-102, modified)

**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. (1960 Code, § 1-103, modified)

**1-104. Compensation.** A remuneration of \$500.00 per month is established for the mayor. This authorization is to enable the mayor to spend the time necessary on the job to complete tasks and projects outstanding and record the decisions and justifications for public record and the board's information and approval. This authorization is to become effective with the next board of mayor and aldermen, effective January 1992. Also authorized is the continued monthly in lieu of expense payments of \$100.00 to the mayor and \$25.00 to each alderman. Authorization is also made for the continuation of in lieu of payments of \$50.00 to the chairman of the Utilities Commission and \$25.00 to the members who advise and assist in the operation of the water and sewer systems. The board will have the authority to decrease these amounts if it becomes necessary.

This conforms with the provisions of the Town of Wartrace's Charter, Priv. Acts 1969, ch. 7, § 5. The effective date shall be January 1, 1992, the public welfare demanding it. (Ord. #91-007, Oct. 1991)

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

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

**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. (1960 Code, § 1-201)

**1-202. Executes town's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1960 Code, § 1-202)

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<sup>1</sup>Charter references

Compensation: § 5.

Oath of office: § 3.

Powers and duties: § 16.

Qualifications: § 2.

Term of office: § 10.

Vacancy in office: § 2.



## CHAPTER 3

### RECORDER<sup>1</sup>

#### SECTION

- 1-301. To be bonded.
- 1-302. To keep an ordinance book.
- 1-303. To keep tax books and records.
- 1-304. To keep a license book.
- 1-305. To keep itemized record of revenues and expenditures.
- 1-306. To perform general clerical 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 the office. (1960 Code, § 1-301)

**1-302. To keep an ordinance book.** The recorder shall keep an ordinance book in which he shall keep the original copy of all ordinances passed by the board of mayor and aldermen. (1960 Code, § 1-302)

**1-303. To keep tax books and records.** The recorder shall keep such tax books and records as will enable him to lawfully and efficiently administer and account for the assessment and collection or delinquency of all corporate taxes. (1960 Code, § 1-303)

**1-304. To keep a license book.** The recorder shall keep a permanent record of all licenses issued by him. Such record shall be kept in a well bound book provided for that purpose and shall reflect to whom each license has been issued, the amount of each license fee collected, and such other pertinent information as the recorder may elect to include. (1960 Code, § 1-304)

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<sup>1</sup>Charter references

Compensation: § 5.

Duties: § 13.

Oath of office: § 12.

Ord. No. 94-007 (passed 2nd reading 12/12/94) § 1 provides: "The Town of Wartrace adopts by reference the requirements of Public Acts 1994, Chapter 648, which is attached to this ordinance and made a part thereof as if it were fully set out in the text of this ordinance." See Ord. #94-007 of record in the office of the [redacted] for these provisions.

**1-305. To keep itemized record of revenues and expenditures.**

The [redacted] shall keep an itemized permanent record of all the revenues and expenditures of the Town of Wartrace. (1960 Code, § 1-305)

**1-306. To perform general clerical duties, etc.**

The recorder shall perform all clerical duties for the board of mayor and aldermen and for the Town of Wartrace which are not expressly assigned by the charter or this code to another corporation officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers. (1960 Code, § 1-306)

**CHAPTER 4****MISCELLANEOUS****SECTION**

1-401. Interest of office in municipal contracts prohibited.

**1-401. Interest of office in municipal contracts prohibited.** No person holding elected office in the Town of Wartrace shall, during the time for which he was elected, be capable of contracting with the town for the performance of any work which is to be paid for out of the treasury of the town nor shall such elected official be allowed to borrow any funds which belong to the town or which the town or anyone on behalf of the town is administering or loaning out. No such elected official shall be capable of holding or having any interest in such contract or such loan, either by himself or by another, directly or indirectly. The terms of this section shall apply to, but not be limited to, applications for UDAG monies being loaned out by the town. (Ord. #86-001, May 1986)

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

2-101. Creation, membership, appointments, terms, and vacancies.

2-102. Powers and duties of the board.

2-103. Park rules and regulations.

**2-101. Creation, membership, appointments, terms, and vacancies.** There is hereby established a parks and recreation advisory board in accordance with TCA 11-24-104 and TCA 11-24-112. The board shall consist of five (5) persons, at least two (2) of whom may be members of the local school staff, to be appointed by the mayor, to serve for terms of five (5) years or until their successors are appointed, except that the members of such board first appointed shall be appointed for such terms that the term of one (1) member shall expire annually thereafter. The members of such board shall serve without pay. Vacancies in such board occurring otherwise than by expiration of term shall be filled only for the unexpired term, and such appointment shall be filled by the mayor. (Ord. #83-005, Dec. 1986, modified)

**2-102. Powers and duties of the board.** The board shall have the following powers and duties:

(1) The board shall advise the board of mayor and aldermen in the supervision, control, and operation of the parks and recreation system of the Town of Wartrace.

(2) The board shall advise and propose a budget to the board of mayor and aldermen for the adequate operation and maintenance of the parks and recreation system.

(3) The board shall recommend to the board of mayor and aldermen sale or purchase of any lands desired to be acquired or disposed of, now owned or used by the Town of Wartrace for parks and recreation purposes.

(4) The board may with the approval of the board of mayor and aldermen and with sufficient budgeted funds employ personnel necessary to conduct recreation programs and provide for the operation and maintenance of the parks.

(5) The board may recommend to the board of mayor and aldermen proposed fees and charges be established or amended and shall recommend policy for the operation of the concessions, if any, in the parks or other recreation facilities. (Ord. #83-005, Dec. 1986, modified)

**2-103. Park rules and regulations.** The Parks and Recreation Advisory Board may make rules and regulations for the protection, regulation and control of parks and other recreational facilities under control of the Town of Wartrace with the approval of the board of mayor and aldermen. No rules and regulations adopted shall be contrary to, or inconsistent with, the laws of the state of Tennessee or the ordinances of the town. Such rules and regulations shall be enforced by the Wartrace Chief of Police or such police officer designated by him. Rules and regulations shall not take effect until ten (10) days after their adoption by the board of mayor and aldermen, after their publication once a week of two (2) weeks in at least one (1) paper circulating in the Town of Wartrace and after a copy there of has been posted near each gate or principal entrance to the public ground to which they apply. All rules, after being so adopted and after notice is given, shall be subject to enforcement by a fine of not more than fifty dollars (\$50.00) for each violation to be levied against any person found guilty of violating such rules and regulations. Copies of rules and regulations subject to such enforcement must be available for public inspection or review at the Town hall of Wartrace. (Ord. #83-005, Dec. 1986, modified)

## TITLE 3

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

#### CHAPTER

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

#### CHAPTER 1

#### CITY JUDGE

#### SECTION

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

**3-101. City judge.** (1) Appointment and term. The city judge shall be appointed by the board of mayor and aldermen to serve at their pleasure. The city judge shall be vested with the judicial powers and functions as provided in the town charter for the recorder, and shall be subject to the provisions of law and the town charter governing the city court. Vacancies in the office of the city judge, for any reason, shall be filled by the board of mayor and aldermen. The salary of the city judge shall be set upon his appointment, and shall not be altered during his term of service. The city judge shall take an oath of office and be bonded before entering upon the duties of the office. The cost of making the bond shall be paid by the Town of Wartrace.

(2) Qualifications. The city judge shall be a minimum of twenty-one (21) years of age, be licensed by the State of Tennessee to practice law, and be a resident of Bedford County. If the city judge for any reason no longer maintains his domicile in Bedford County after his appointment, such removal of his domicile shall automatically create a vacancy in the office of city judge.

(3) Judge pro tem. During the absence of the city judge from his duties for any reason for more than thirty (30) days, or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge.

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<sup>1</sup>Charter references  
 Established: § 13.  
 Docket: § 13.

**3-102. Jurisdiction.** The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed \$500.

## 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. Action upon complaints.

3-206. Contempt of court.

**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. (1960 Code § 1-502)

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

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

**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 city recorder. 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.

**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. (1960 Code, § 10-209)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.



**3-205. Action upon complaints.** When an apparently valid complaint is made under oath to the city judge that some person has violated an ordinance of the town, the recorder shall immediately issue a warrant for such person's arrest or shall subpoena such person to answer the complaint before the city judge at a specified time. (1960 Code, § 1-307)

**3-206. Contempt of court.** It shall be unlawful for any person to ignore or fail to comply with a summons or other process issued by the city judge, or to otherwise be guilty of any misconduct before the city court. (1960 Code, § 1-309)

## CHAPTER 3

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

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

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

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

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<sup>1</sup>State law reference

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

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

- 3-401. Appearance bonds authorized.  
3-402. Appeals.  
3-403. Bond amounts, conditions, and forms.

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

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

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

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

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

**3-403. Bond amounts, conditions, and forms.** An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in such sum as the city judge shall prescribe, not to exceed the sum of two hundred and fifty dollars (\$250.00), and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable.

## TITLE 4

### MUNICIPAL PERSONNEL<sup>1</sup>

#### CHAPTER

1. SOCIAL SECURITY.
2. MISCELLANEOUS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. INFECTIOUS DISEASE CONTROL POLICY.
5. TRAVEL REIMBURSEMENT REGULATIONS.
6. LOCK OUT/TAG OUT POLICY.

#### CHAPTER 1

#### SOCIAL SECURITY

#### SECTION

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

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

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and

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<sup>1</sup>Ordinance 94-008 (May 1995) provides:

"An ordinance of the Town of Wartrace, Tennessee to establish a written policy on 'Confined Space Entry.' Purpose: The purpose of this ordinance and referenced regulations is to bring the city into compliance with TOSHA regulations concerning workplace safety.

#### Confined Space Entry Plan

This ordinance shall take effect upon its final reading by the municipal governing body."

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.

**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.

**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.

**4-105. Records and reports.** The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

**4-106. Exemptions from coverage.** There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations.

**CHAPTER 2****MISCELLANEOUS****SECTION**

4-201. Personnel policies and procedures.

**4-201. Personnel policies and procedures.** The Board of Mayor and Aldermen of the Town of Wartrace shall be responsible for establishing policies, procedures and rules to regulate those individuals' action and performance in the employment of the Town of Wartrace, Tennessee, including office, utilities, public works, and police personnel. They may utilize the suggestions of employees, supervisors, and the personnel committee in establishing and maintaining the following;

- (1) Personnel Management Manual, including:
  - (a) Vacation;
  - (b) Sick;
  - (c) Policy Statement on Drug Free Work Place;
  - (d) Employee Work Guidelines;
  - (e) Employee Performance Evaluation;
  - (f) Work Hours.

This conforms to the provisions of the Town of Wartrace's Charter, Priv. Acts 1969, ch. 7, § 5. The effective date is November 1, 1989, the public welfare demanding it. (Ord. #89-003, October 1989)

## CHAPTER 3

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

- 4-301. Adoption.
- 4-302. Title.
- 4-303. Purpose
- 4-304. Definitions.
- 4-305. Coverage.
- 4-306. Employer's rights and duties.
- 4-307. Employee's rights and duties.
- 4-308. Standards authorized.
- 4-309. Variances from standards authorized.
- 4-310. Imminent danger.
- 4-311. Inspection.
- 4-312. Citation and hearing.
- 4-313. Penalties.
- 4-314. Recordkeeping and reporting.
- 4-315. Administration.
- 4-316. Application of other statutes and ordinances.
- 4-317. Amendments, etc.

**4-301. Adoption.** In compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the Town of Wartrace, Tennessee hereby establishes the "Occupational Safety and Health Program for the Employees of the Town of Wartrace." Therefore be it ordained by the Town of Wartrace, that there be and is hereby created a safety and health program for the employees of the Town of Wartrace. (Ord. #74-01, June 1974)

**4-302. Title.** This chapter shall be known as the "Occupational Safety and Health Program for the Employees of the Town of Wartrace." (Ord. #74-01, June 1974)

**4-303. Purpose.** The Town of Wartrace, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees, with the exception of articles of personal protective equipment which are required by regulation to be purchased by employees, as soon as the town can investigate the availability and the most economical cost of the aforesaid.



(3) Make, keep, preserve and make available to the State Commissioner of Labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, including the Director of the Office of Occupational Safety and Health, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required. However, these provisions shall not take effect until and after the town has received and reviewed record keeping forms, procedures and guidelines provided by the state, and thereafter these provisions shall not take effect until after the town has had a reasonable period of time to set up and provide for the orderly implementation and use of such records and procedures.

(4) Consult with the State of Commissioner of Labor or his designated representative, with regard to the adequacy of the form and content of records.

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

(6) Make an annual report to the State Commissioner of Labor to show accomplishments and progress of the total occupational safety and health program as soon as reasonably possible after the town has implemented the provisions of paragraph (3) hereinabove set forth.

(7) 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.

(8) 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 as soon as reasonably possible after this ordinance has been enacted. (Ord. #74-01, June 1974)

**4-304. Definitions.** For the purpose of this program:

(1) "Commissioner of Labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor.

(2) "Commissioner of Health" means the chief executive officer of the Tennessee Department of Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Health.

(3) "Employer" means the Town of Wartrace, Tennessee, and shall include each administrative department, commission, board, division or other agency of the town.

(4) "Director of personnel" means the chief executive officer designated by the Town of Wartrace to perform duties or to exercise powers assigned so as to plan, develop, and administer the town's occupational safety and health program.

(5) "Compliance inspector(s)" means the individual(s) appointed and designated by the Director of Personnel to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, the inspections shall be conducted by the Director of Personnel.

(6) "Appointing authority" means any town official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, commission, board, division or other agency of the town.

(7) "Employee" means any person performing services for the Town of Wartrace and listed on town payrolls either as part-time, seasonal, or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(8) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(9) "Standard" means an occupational safety and health standard promulgated by the Tennessee State Commissioner of Labor or the State Commissioner of Health which requires conditions or the adoption or the use of one or more practices, means, methods, operations or processes reasonably necessary or appropriate to provide safe and healthful employment and places of employment.

(10) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the eminence of such danger can be eliminated through normal enforcement procedures; provided, however, that this definition shall not include hazardous operations which are undertaken for the public's safety and well-being.

(11) "Serious physical harm" means that type of harm that would cause permanent or prolonged impairment of the body in that (a) a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger; loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or (b) a part of an internal bodily system would be inhibited in its normal performance to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment, causing shortness of breath). On the other hand, breaks, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

(12) "Establishment" or "workplace" means a single physical location where business is conducted or where services or industrial operations are performed. (Ord. #74-01, June 1974)

**4-305. Coverage.** The provisions of this program shall apply to employees of each administrative department, commission, board, division or other agency of the Town of Wartrace. (Ord. #74-01, June 1974)

**4-306. Employer's rights and duties.** Rights and duties of the employer shall include, but are not limited to the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees; provided, however, that employer shall have a reasonable period of time to correct any such hazards.

(2) Employer shall comply with occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the State Commissioner of Labor and State Commissioner of Health, upon reasonable notice from the said commissioners, in the performance of their inspection duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from an occupational safety and health standard.

(6) Employer is entitled to protection of his trade secrets and other legally privileged communications.

(7) Employer shall inspect all installations, departments, bureaus, and offices to insure the provisions of this program are complied with and carried out as soon as reasonably possible after this ordinance has been fully implemented.

(8) Employer shall notify and inform any employee, who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard, of corrective action being taken by the town. (Ord. #74-01, June 1974)

**4-307. Employee's rights and duties.** Rights and duties of employees shall include, but are not limited to the following provisions:

(1) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the director of personnel.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and the corrective action being taken as soon as reasonably possible after this ordinance has been fully implemented.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under or relating to this program.

(8) Any employee who believes that he or she has been discriminated against or discharged in violation of any of these sections may, within thirty (30) days after such violation occurs, file a complaint with the Director of Personnel of the Town of Wartrace.

(9) Nothing in this section or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds except where such is necessary for the protection of the health or safety of others, and except when such medical examination is reasonably required for performance of a specified job. (Ord. #74-01, June 1974)

**4-308. Standards authorized.** The standards adopted by the Town of Wartrace are the applicable State of Tennessee Safety and Health Standards developed under Section 6 of the State Occupational Safety and Health Act of 1972. (Ord. #74-01, June 1974)

**4-309. Variances from standards authorized.** The Town of Wartrace may, upon written application to the State Commissioner of Labor or the State Commissioner of Health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees 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 town, shall be deemed sufficient notice to employees. (Ord. #74-01, June 1974)

**4-310. Imminent danger.** (1) Any allegation of imminent danger received shall be handled in accordance with the following procedures:

(a) The director of personnel shall immediately ascertain whether there is a reasonable basis for the complaint.

(b) If the imminent danger complaint appears to have merit, the director of personnel shall cause an immediate inspection of the alleged imminent danger location.

(c) As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the director of personnel or the compliance inspector shall attempt to have the danger corrected through voluntary compliance. If any employees appear to be in immediate danger, they should be informed of the danger, and the supervisory personnel in charge should be requested to remove them from the area of immediate danger.

(d) The administrative head of the workplace or his authorized representative is responsible for determining the manner in which he will abate the dangerous condition.

(e) The imminent danger shall be deemed abated if the imminence of the danger has been eliminated by removing the employees from the area of danger or the conditions or practices which resulted in the imminent danger have been eliminated.

(f) A written report shall be made to the director of personnel describing in detail the imminent danger and its abatement. (If a compliance inspector is not appointed, this provision should be omitted).

(2) The following procedures shall be followed in the event of a refusal to abate:

(a) If abatement is refused, the compliance inspector shall immediately notify the director of personnel for assistance in obtaining voluntary compliance. (If a compliance inspector is not appointed, this provision should be omitted).

(b) The director of personnel shall take whatever steps are necessary to comply with the abatement procedures set forth in § 4-310(1)(e) above. (Ord. #74-01, June 1974)

**4-311. Inspection.** (1) In order to carry out the purposes of this program, the director of personnel or, if one is appointed, the compliance inspector is authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, work place, or environment where work is performed by an employee of the Town of Wartrace; and,

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent or employee working therein.

(2) If, an imminent situation is alleged or brought to the attention of the director of personnel or a compliance inspector during a routine inspection,

he shall immediately inspect the imminent danger situation before inspecting the remaining portions of the workplace.

(3) An administrative representative of the town and a representative authorized by the employees may be given an opportunity to consult with or to accompany the compliance inspector (director of personnel) during the physical inspection of any work place for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The inspection shall be such as to preclude unreasonable disruptions of the operations of the work place or establishment.

(6) Interviews of employees during the course of the inspection, when accompanied by an employee representative, may be made when such interviews are essential to the investigation techniques.

(7) Inspections shall be accomplished without advance notice, but the director of personnel may authorize the giving to any supervisor or employee advance notice of an inspection. (Ord. #74-01, June 1974)

**4-312. Citation and hearing.** (1) If, upon an inspection or investigation, the director of personnel, or his compliance inspector(s), should one be appointed, finds that any work place is not in compliance with any standard, rule, regulation or order, and said official is unable to effect a voluntary agreement to bring the work place into compliance, he shall, with reasonable promptness, issue to the administrative officer responsible for the work place a written citation that states the nature and location of the violation; the standard, rule, regulation or order violated; the abatement and correction requirements; and a period of time during which the work place must accomplish such abatement and correction. A copy of each citation shall immediately be posted at or near each location referred to in the citation and remain posted until the alleged violation has been corrected or vacated.

(2) At any time within ten (10) days after receipt of such citation, anyone affected may advise the director of personnel of objections to the terms and conditions of the citation. Upon receipt of such objections a hearing shall be held, and the director of personnel shall thereafter issue an order affirming, modifying, or vacating the citation, and such order shall be final.

(3) The mayor may issue subpoenas, pursuant to his duties as set forth herein, to require the attendance and testimony of witnesses and the production of evidence under oath at such hearings. (Ord. #74-01, June 1974)

**4-313. Penalties.** (1) The Town of Wartrace shall not issue any civil or criminal penalties against any public official, employee, or any other person, administrative department, commission, board, division or other agency of the Town of Wartrace for failure to comply with the safety and health standards.

(2) Any employee who willfully and repeatedly violates or causes to be violated a safety standard, rule, regulation, or order shall be subject to

disciplinary action by the appointing authority. The appointing authority has the power to administer discipline and it shall be his duty to take action in one of the following ways:

- (a) Oral reprimand.
- (b) Written reprimand.
- (c) Suspension.
- (d) Termination.

(3) The employee being disciplined shall have the right of appeal to the board of mayor and aldermen within ten days after receiving notice of the disciplinary action; and a hearing shall be held as set forth in § 4-312(2) and (3) entitled, "Citation and Hearing". (Ord. #74-01, June 1974)

**4-314. Recordkeeping and reporting.** (1) The Town of Wartrace shall establish and maintain a system for collecting, maintaining and reporting safety and health data as soon as reasonably possible after implementing the provisions of § 4-303, under the sub-section entitled, "Purpose".

(2) All occupational injuries and illnesses shall be reported to the director of personnel on the OSHA forms provided by the State Department of Labor, except that Workmen's Compensation Form 6A may be used in lieu of the Supplementary Record of Occupational Injury/Illness, Form OSHA No. 101.

(3) The director of personnel shall maintain a continuous log of occupational injuries and illnesses compiled from the reports set forth above and recorded on Form OSHA No. 100.

(4) Such occupational safety and health records shall be maintained for a period of five (5) years following the end of the year to which they relate.

(5) After this ordinance has been enacted, the Town of Wartrace shall report within forty-eight (48) hours, either orally or in writing, to the Commissioner of Labor any accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees.

(6) The Town of Wartrace shall make an annual report, after this ordinance has been fully implemented, to the Commissioner of Labor showing the statistical data required by Section 50-550-106 (Annual Summary) of the State OSHA Regulations for Recordkeeping and Reporting. (Ord. #74-01, June 1974)

**4-315. Administration.** For the purposes of this chapter, the mayor is hereby designated as the director of personnel and is likewise designated as the chief executive officer to perform duties or to exercise powers assigned so as to plan, develop, and administer the Town's Occupational Safety and Health Program.

(1) Upon authorization from the board of aldermen, the director of personnel may designate, appoint, or employ persons as he deems necessary to carry out his powers, duties and responsibilities under the program.

(2) The director of personnel, to the extent possible, shall recommend the employment of measures to coordinate the activities of all town departments to promote efficiency and to minimize inconvenience under the program.

(3) The director of personnel may delegate the power to make inspections to the compliance inspector(s), provided that the procedures employed are as effective as those employed by the director.

(4) The director of personnel shall develop a plan, pursuant to the Town's Occupational Safety and Health Program, and such a plan shall be submitted for approval and adopted by the mayor and the board of aldermen. Any subsequent changes or modifications in the plan shall also be submitted to the mayor and the board of aldermen for approval and adoption.

(5) The recording clerk shall upon adoption of this ordinance, immediately register the Town's Occupational Safety and Health Program with the State Commissioner of Labor, by sending to the Commissioner of Labor by certified mail a written statement which includes:

(a) A statement that the Town of Wartrace has elected to develop its own program of compliance;

(b) A statement that such program has been developed and has been reduced to writing;

(c) A statement of where such writing may be inspected;

(d) A statement that town employees have been informed of the program and have access to such writing;

(e) An assurance that the town's program incorporates standards developed pursuant to the State Occupational Safety and Health Act;

(f) A description of the methods of inspection provided for herein and an assurance that such program includes provisions for inspection and recordkeeping as effective as the provisions of the Tennessee Occupational Safety and Health Act of 1972. (Ord. #74-01, June 1974)

**4-316. Application of other statutes and ordinances.**

(1) Compliance with any other law, statute or ordinance which regulates safety and health in employment and places of employment shall not excuse the Town of Wartrace or any town employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of this program or any standard or regulation promulgated pursuant to this program shall not excuse the Town of Wartrace or any town employee, or any other person from compliance with any state law or town ordinance regulating and promoting safety and health unless such law or resolution is specifically repealed. (Ord. #74-01, June 1974)

**4-317. Amendments, etc.** The Occupational Safety and Health Program of the Town of Wartrace may be amended in any particular by



following the procedure used for the adoption of this program. This ordinance shall take effect from and after the date it shall have been passed by the board of aldermen, and as otherwise provided by law, the general welfare of the Town of Wartrace, Tennessee requiring it. (Ord. #74-01, June 1974)

## CHAPTER 4

### INFECTIOUS DISEASE CONTROL POLICY

#### SECTION

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

**4-401. Purpose.** It is the responsibility of the Town of Wartrace to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Wartrace, employees may come in contact with life threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses. The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. #92-002, July 1992)

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

- (1) Police and security personnel;
- (2) Firefighters;
- (3) Sanitation and landfill workers; and

(4) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #92-002, July 1992)

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

(1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the town charter, and federal and state law relating to OSHA regulations;

(2) Make an exposure determination for all employee positions to determine a possible exposure to blood and body fluids;

(3) Maintain records of all employees and incidents subject to the provisions of this chapter;

(4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;

(5) Coordinate and document all relevant training activities in support of the infection control policy;

(6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;

(7) Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills; and

(8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen. (Ord. #92-002, July 1992)

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

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

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

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

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

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluids is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected. (Ord. #92-002, July 1992)

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

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood borne pathogens. Universal precautions apply to blood, tissues, and body fluids which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. #92-002, July 1992)

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

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or body fluids which require universal exposure.

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

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

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. In the event that they must be handled, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for

disposal. The puncture resistant container shall be located as close as practical to the use or handle area.

(5) The town will provide gloves of appropriate material and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or body fluids to which universal precautions apply:

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

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

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

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

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

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

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

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

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

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

All required tags shall meet the following criteria:

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

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

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

(13) Linen, clothing or fabrics soiled with blood or body fluids shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the material. All soiled fabric shall be bagged at the location where it was used or confiscated. It shall not be sorted or rinsed in the area. Soiled materials shall be placed and transported in bags that prevent leakage.

The employee(s) responsible for transported soiled linen, clothing or fabrics should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with body fluids.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #92-002, July 1992)

**4-407. Hepatitis B vaccinations.** The Town of Wartrace shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. All employees or volunteers will be given the chance to take the HBV vaccination when offered and are to notify us to reschedule if they want the vaccination but can not attend at the scheduled time. (Ord. #92-002, July 1992)

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

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

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

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

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post test counseling and referral for treatment should also be provided. (Ord. #92-002, July 1992)

**4-409. Hepatitis B virus post-exposure management.** For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

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

If the source individual is negative for HBsAg and the employee has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. #92-002, July 1992)

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

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

If the source individual was tested and found to be seronegative, baseline testing of the exposed employee with follow-up testing 12 weeks later may be performed if desired by the employee or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the town to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #92-002, July 1992)

**4-411. Disability benefits.** Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A. 50-6-303. (Ord. #92-002, July 1992)

**4-412. Training regular employees.** On an annual basis, all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #92-002, July 1992)

**4-413. Training high risk employees.** In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (Ord. #92-002, July 1992)

**4-414. Training new employees and volunteers.** During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. This training will also be done on any new volunteer firefighters before allowing them to respond to a call. (Ord. #92-002, July 1992)

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

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e.



gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

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

(4) Employee interviews. Should the town be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #92-002, July 1992)

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

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

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

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

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

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

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

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

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

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

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

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution. (Ord. #92-002, July 1992)

## CHAPTER 5

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

- 4-501. Enforcement.
- 4-502. Travel policy.
- 4-503. Travel reimbursement rate schedule.
- 4-504. Administrative procedures.

**4-501. Enforcement.** The chief administrative officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #93-003, July 1993)

**4-502. 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 CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the 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 CAO to initiate action to recover any undocumented travel advances.

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

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

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

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

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

Expenses considered excessive won't be allowed.

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

(8) Any person attempting to defraud the 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. (Ord. #93-003, July 1993)

**4-503. Travel reimbursement rate schedules.** Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the State of Tennessee 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. (Ord. #93-003, July 1993)

**4-504. 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.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #93-002, July 1993)

## CHAPTER 6

### LOCK OUT/TAG OUT POLICY

#### SECTION

- 4-601. Purpose.
- 4-602. Objectives.
- 4-603. Scope.
- 4-604. Definitions.
- 4-605. Procedure.
- 4-606. Exceptions.
- 4-607. Education and training.
- 4-608. Management controls.

**4-601. Purpose.** To establish a control system to prevent the unexpected release of transmission of equipment/process energy. (Ord. #94-009, Feb. 1995)

**4-602. Objectives.** (1) Prevent inadvertent operation or energization of the equipment/process in order to protect personnel.  
(2) Establish methods for achieving zero energy state.  
(3) Comply with applicable regulatory standards. (Ord. #94-009, Feb. 1995)

**4-603. Scope.** (1) This policy applies to activities such as, but not limited to: erecting, installing, constructing, repairing, adjusting, inspecting, cleaning, operating or maintaining the equipment/process.  
(2) This policy applies to energy sources such as, but not limited to: electrical, mechanical, hydraulic, pneumatic, chemical, radiation, thermal, compressed air, energy stored in springs, and potential energy from suspended parts (gravity).  
(3) International facilities will comply with the substance of this policy or the prevailing national requirements whichever is more stringent. (Ord. #94-009, Feb. 1995)

**4-604. Definitions.** (1) "Energy isolating device." A physical apparatus which prevents the transmission or release of energy such as, but not limited to the following: restraint blocks, manually operated electrical circuit breakers, disconnect switches, slide gates, slip blinds or line valves. Where possible, they shall provide visible indication of the position of the device. Push button, selector switches and other portions of the control circuit shall not be considered as energy isolating devices.  
(2) "Lockout/tagout." The placement of a lock/tag on an energy isolating device in accordance with an established procedure, indicating that the

energy isolating device shall not be operated or removed until the lock/tag has been cleared.

(3) "Lockout fixture." An appliance that requires the use of a lock to hold an energy isolating device in the safe position for the purpose of protecting personnel.

(4) "Employee tag." A warning appliance used for the purpose of personnel protection. Its legend forbids the operation or removal of an energy isolating device and identifies the applier.

(5) "Caution tab." An appliance used to warn of an existing or potential hazard. Its legend cautions personnel of the hazard(s) and identifies the applier.

(6) "Zero energy state." A state in which every equipment/process energy source has been controlled either by lockout/tagout or other protective techniques to prevent the unexpected release or transmission of energy.

(7) "Knowledgeable individual." An individual who understands how to effectively control the equipment/process through application of energy isolating devices.

(8) "Authorized individual." A knowledgeable individual possessing the responsibility and authority to perform a specific assignment.

(9) "Slash (/)." For the purpose of this policy refers to and/or. (Ord. #94-009, Feb. 1995)

**4-605. Procedure.** (1) Lockout/tagout system. Each facility shall develop a written lockout/tagout policy which incorporates the following elements:

(a) Principles. (i) All personnel (hourly and salary) shall comply with the provisions of the lockout/tagout system. Supervision must use personal locks/tags to ensure their protection when performing tasks where exposure to unexpected energization may occur.

(ii) The locks/tags shall be the only authorized method used for the lockout/tagout of energy sources. Locks and employee tags shall not be used for any purpose other than personnel protection.

(iii) Individual locks/tags shall be applied and removed by each person exposed to the unexpected release of energy, other than in those special situations where specific facility procedures have been developed.

(iv) Where equipment is lockable, use of a lock is required by all exposed personnel.

(v) Where equipment is not lockable, tagout application or special lockout/tagout procedures shall be utilized.

(vi) When locks are used in the lockout/tagout application, they shall always be accompanied by tags.

(A) Locks used for personnel protection shall be accompanied by employee tags.

(B) Locks used to protect against hazards shall be accompanied by caution tags.

(vii) Energy isolating devices shall be clearly labelled or identified to indicate their function unless located and arranged so the purpose is evident. Such identification is necessary to reduce possible errors in applying the lockout/tagout.

(viii) The lockout/tagout of electrical energy sources shall occur at the circuit disconnect switch. (Note: Facilities shall identify any situations where the circuit cannot be positively interrupted and develop procedures providing equivalent protection. Feasibility of effective circuit isolation shall be considered in future engineering improvements).

(ix) The use of electrical control circuitry to accomplish lockout/tagout is normally prohibited since it does not offer positive personnel protection. Examples:

(A) Electrical shorts. (Water in lines and some types of dust can supply a path to close the control circuit).

(B) Vibration or switch component failure.

(C) Remote or interlocked switches not affected by control circuitry.

(b) Protective appliances. (See attachment A)<sup>1</sup>

(i) Locks shall be purchased specifically for lockout applications. They shall be of such design and durability that removal by other than normal means would require excessive force or unusual techniques. In addition, they shall possess individual keying/combination capability.

(ii) Tags. Appliances which are used to provide warning or information.

(A) Employee tag (mandatory). Used only for personnel protection: clearly distinguishable from caution tags; no other use.

(B) Caution tag (mandatory). Provides a warning of hazard. It does not indicate that the applier is currently exposed to the unexpected release or transmission of energy. The use of a caution tag is provided to preserve the integrity of the employee tag.

(iii) Lockout fixture. An appliance which accommodates one or more locks to secure an energy isolating device.

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<sup>1</sup>Attachments to Ordinance 94-009 (Feb. 1995) from which this chapter was taken, are of record in the office of the recorder.

(iv) Additional protective appliances. Some exposures may require additional protective techniques or mechanical safeguards, as follows:

<u>Exposure</u>	<u>Protection</u>
Flywheels, press rams	Blocks, pins, etc.
Chemicals, steam, etc.	Slip blinds, chained valves, etc.
Hydraulic/pneumatic systems	Automatic bleeding devices, blanking, etc.

(c) Application and exposure survey. (i) Each facility shall conduct an application survey to determine if the equipment/process can be safely isolated. The survey shall be reviewed and updated on an annual basis.

(A) The survey should determine if energy isolating devices are available, adequate and practically located for positive protection.

(B) A plan shall be developed to correct the surveyed deficiencies or provide interim alternative protection in order to make the lockout/tagout system effective.

(ii) Each facility shall conduct an exposure survey to determine what tasks are being done, i.e., cleaning rolls, removing jams, etc., with equipment energized. Each situation shall be evaluated to determine if the task can be accomplished with the power off or alternatively what method must be used to reduce employee risk.

(d) Responsibilities. (i) Management is responsible for the development, implementation and administration of an effective lockout/tagout system.

(ii) All employees are responsible for complying with the provisions of the facility lockout/tagout system.

(iii) Only knowledgeable individuals shall determine the methods required to accomplish the lockout/tagout of equipment/process.

(iv) Only authorized individuals shall operate energy isolating devices.

(2) System utilization. (a) Preparation for lockout/tagout.

(i) All personnel affected by the intended lockout/tagout shall be notified.

(ii) A method shall be established to permit access to the equipment/process. This method should involve acknowledgement



and release by the individual(s) responsible for the equipment/process.

(iii) A pre-job plan shall be developed to insure appropriate lockout/tagout when the equipment/process complexity or nature and scope of work warrants (i.e. job-objectives and involved equipment/process; estimated job duration; crafts involved; type, number, and location of energy isolating devices, start-up provisions, etc.).

(b) Application of lockout/tagout. (See attachment B)<sup>1</sup>

(i) Utilize appropriate equipment/process shutdown procedure(s) to deactivate operating controls or return them to the neutral mode.

(ii) All involved energy isolating devices shall be operated/positioned in such a manner as to isolate the equipment/process from the energy source(s).

(iii) Locks and employee tags shall be applied to each energy isolating device by authorized individuals.

(A) Lockout fixtures and locks shall be attached in such a manner as to hold the energy isolating device(s) in a safe position.

(B) Employee tags shall be completed by the applier and attached to the energy isolating device(s).

(iv) After lockout/tagout application and prior to commencement of work, one or more of the following actions shall be taken:

(A) Operate the equipment/process controls (push buttons, switches, etc.) to verify that energy isolation has been accomplished. Controls must be deactivated or returned to the neutral mode after test.

(B) Check the equipment/process by use of test instruments and/or visual inspection to verify that energy isolation has been accomplished.

(iv) The equipment/process shall be examined to detect any residual energy. If detected, action must be taken to relieve or restrain the energy.

(c) Release from lockout/tagout. (i) Each lock/tag shall be removed by the authorized individual who applied it prior to leaving the job.

(A) Before equipment/process energization, a visual inspection of the work area should be made to insure

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<sup>1</sup>Attachments to Ordinance 94-009 (Feb. 1995) from which this chapter was taken, are of record in the office of the recorder.

that all personnel are in the clear and that all non-essential items have been removed and components are operationally intact.

(d) Special lockout/tagout situations. (i) Lockout/tagout interruption (energized testing). In situations where the energy isolating device(s) is locked/tagged and there is a need for testing or positioning of the equipment/process, the following sequence shall apply:

- (A) Clear equipment/process of tools and materials;
- (B) Clear personnel;
- (C) Clear the energy isolating device(s) of locks/tags according to established procedure;
- (D) Proceed with test;
- (E) De-energize and relock/tag energy isolating device(s) to continue the work;
- (F) Operate controls, etc., to verify energy isolation.

(ii) Exposure of non-ANCC personnel. (A) Established lockout/tagout procedures shall be utilized for the protection of non-ANCC personnel such as contractors, service representatives, etc.

(B) Appropriate individuals shall be instructed in the applicable facility lockout/tagout procedures.

(iii) Multiple personnel protection. For major process/equipment overhaul, rebuilds, etc., which require crew, craft, department or other group lockout/tagout, a system is required that affords employees a level of protection equivalent to that provided by personal lockout/tagout.

(iv) High voltage work. Special written procedures shall be developed to describe the lockout/tagout measures necessary when employees are required to work on high voltage circuits or equipment (above 600 volts).

(v) Shift change. Facilities shall develop specific written procedures to accommodate those situations where it is necessary to continue the current lockout/tagout of the equipment/process into subsequent shifts. (Ord. #94-009, Feb. 1995)

**4-606. Exceptions.** Unique requirements for equipment/process service such as clearing jams, joggling, threading coil/stock, etc. may necessitate employee activity under energized conditions. Each such task must be evaluated to provide safeguarding techniques to protect employees from equipment/process exposure (see § 4-605(1)(c)(ii) (Ord. #94-009, Feb. 1995)

**4-607. Education and training.** (1) Lockout/tagout training shall be included in new employee orientation programs.

(2) Employee (salary and hourly) lockout/tagout training shall be accompanied prior to assignment to ensure understanding and compliance. Review Wartrace Water Department General Safety and Health Requirements.

(3) Affected personnel shall receive periodic refresher lockout/tagout training.

(4) Corporate safety/health department can supply lockout/tagout training materials. (Ord. #94-009, Feb. 1995)

**4-608. Management controls.** (1) Each facility shall develop and audit plan/technique in order to assess the effectiveness of its lockout/tagout system. Management shall conduct periodic compliance audits of the facility lockout/tagout system. Audit results shall be reviewed by the facility safety committee and retained for reference.

Attachments:

(a) Lock, tag and lockout fixture illustrations.

(b) Air supply bleed valves; lockout fixtures/restraining devices; hydraulic-pneumatic and electrical lockout/tagout applications.

References:

American National Standard Z 244.1 - 1982 - "Safety Standard for the Lockout/Tagout of Energy Sources"

Employers Insurance of Wausau - "Machinery Lockout and the Broader Concept - Zero Mechanical State"

National Safety Council - Accident Prevention Manual for Industrial Operations - Seventh Edition - PP 1282 - 1284

Note: If compliance with any element of this procedure is not possible, equivalent protection must be provided by an alternate system approved by corporate safety and health. (Ord. #94-009, Feb. 1995)

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

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

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

- 5-101. Official depository for town funds.  
5-102. Fiscal year.

**5-101. Official depository for town funds.** The Bank of Wartrace, Tennessee, is hereby designated as the official depository for all town funds.

**5-102. Fiscal year.** The fiscal year for the Town of Wartrace shall hereafter begin on December 1 and end on the following November 30. (Ord. #62-002, June 1962)

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<sup>1</sup>Charter references  
Collection of: § 18.  
Delinquency penalties: § 18.

## CHAPTER 2

### PROPERTY TAXES

#### SECTION

5-201. When due and payable.

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

**5-201. When due and payable.**<sup>1</sup> All real property taxes shall become due and payable on the first day of October in the year for which levied and assessed. (1960 Code, § 6-101, as amended by Ord. #82-004, Jan. 1983)

**5-202. When delinquent--penalty and interest.**<sup>2</sup> All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the general law for delinquent state and county taxes.<sup>3</sup> (1960 Code, § 6-102, as amended by Ord. #82-004, Jan. 1983)

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<sup>1</sup>State law references

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

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

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

<sup>3</sup>Charter and state law references

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

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

## CHAPTER 3

### PRIVILEGE TAXES GENERALLY

#### SECTION

5-301. Tax levied.

5-302. License required.

**5-301. Tax levied.** Except as otherwise specifically provided in this code there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said 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. (1960 Code, § 6-301, modified)

**5-302. 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 payment of the appropriate privilege tax. (1960 Code, § 6-302)

## CHAPTER 4

WHOLESALE BEER TAX

## SECTION

5-401. To be collected.

**5-401. To be collected.** The recorder is hereby directed to collect for the Town of Wartrace the seventeen percent (17%) wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1960 Code, § 6-401)

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<sup>1</sup>State law reference

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

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

- 6-101. Policemen subject to mayor'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. Unlawful to resist or interfere with arrest.

**6-101. Policemen subject to mayor's orders.** All policemen shall obey and comply with such orders and administrative rules and regulations as the mayor may officially issue. (1960 Code, § 1-401)

**6-102. Policemen to preserve law and order, etc.** The policemen of the town shall see that law and order is maintained within the town. They shall see to the patrol of the town and shall assist the recorder during the trial of cases. Policemen shall also promptly serve any legal process issued by the recorder. (1960 Code, § 1-402)

**6-103. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the mayor may prescribe and shall carry a service pistol and billy club at all times while on duty. (1960 Code, § 1-403)

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

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

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<sup>1</sup>Municipal code reference

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



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

(3) Whenever an offense has been in fact committed and the officer has reasonable cause to believe the person has committed it. (1960 Code, § 1-404)

**6-105. Policemen may require assistance in making arrests.** It shall be unlawful for any male person to willfully refuse to aid a policeman in making a lawful arrest when such a person's assistance is reasonably requested and necessary. (1960 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 will be brought before the recorder for immediate trial or allowed to post bond in such sum as may be prescribed by the recorder. When the arrested person is drunk or when the recorder is not immediately available and the alleged offender is not able to post the require bond, he shall be confined. (1960 Code, § 1-407)

**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.

**6-108. Unlawful to resist or interfere with an arrest.** It shall be unlawful for any person to resist any officer making a lawful arrest or to otherwise interfere or attempt to interfere with or to incite, or attempt to incite others to interfere with, any arresting officer. (1960 Code, § 1-406)

**TITLE 7**

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

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.

**CHAPTER 1**

**FIRE DISTRICT**

**SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be the same as described in § 1 of the town charter. (1960 Code, § 7-101, modified)

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<sup>1</sup>Municipal code reference  
Building, utility and housing codes: title 12.

## CHAPTER 2

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

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of flammable liquids and liquified petroleum.
- 7-205. Gasoline trucks.
- 7-206. Modifications.
- 7-207. Appeals from decisions of fire chief.
- 7-208. Violations.

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,<sup>2</sup> 1994 edition, as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1960 Code, § 7-201, as amended by Ord. #70-002, Sept. 1970, modified)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the chief of the volunteer fire department. (1960 Code, § 7-202)

**7-203. Definition of "municipality."** Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Wartrace. (1960 Code, § 7-203)

**7-204. Storage of flammable liquids and liquified petroleum.**  
(1) The limits referred to in § 902.1.1 of the fire prevention code, in

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

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

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

(2) The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire limits as set out in § 7-101 of this code. (1960 Code, § 7-204)

**7-205. Gasoline trucks.** No person shall operate or park any gasoline tank truck within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1960 Code, § 7-205)

**7-206. Modifications.** The chief of the volunteer fire department shall have the power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief of the volunteer fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (1960 Code, § 7-206)

**7-207. Appeals from decisions of fire chief.** When any person feels that he has been wrongfully aggrieved by a decision of the chief of the volunteer fire department in interpreting and applying the fire code or granting or refusing variance requests of the same he may, within thirty (30) days, appeal said decision to the mayor and board of aldermen. Said appeal shall be in writing. (1960 Code, § 7-207)

**7-208. Violations.** Any person who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the mayor and board of aldermen or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1960 Code, § 7-208)

## CHAPTER 3

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

#### SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure of members.
- 7-306. Chief responsible for training.
- 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 governing body of the municipality. The volunteer fire department shall be composed of a chief appointed by the mayor and such number of subordinate officers and firemen, in no event less than fourteen (14), as the chief shall appoint. (1960 Code, § 7-301)

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

- (1) To prevent 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. (1960 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. (1960 Code, § 7-303)

**7-304. Records and reports.** The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the department. The chief 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. (1960 Code, § 7-304)

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<sup>1</sup>Municipal code reference

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

**7-305. Tenure of members.** The chief shall hold office as long as he does good work. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The chief may be suspended or dismissed only by the mayor or the municipal governing body. (1960 Code, § 7-305)

**7-306. Chief responsible for training.** The chief of the volunteer fire department, shall be fully responsible for the training of the volunteer firemen, and the absolute minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1960 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 volunteer 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. (1960 Code, § 7-308)

**CHAPTER 4****FIRE SERVICE OUTSIDE TOWN LIMITS****SECTION**

7-401. Equipment to be used only within corporate limits.

**7-401. Equipment to be used only within corporate limits.** No equipment of the volunteer fire department shall be used for fighting any fire outside the corporate limits. (1960 Code, § 7-307)

**TITLE 8****ALCOHOLIC BEVERAGES**<sup>1</sup>**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

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

8-101. Prohibited generally.

**8-101. Prohibited generally.**<sup>2</sup> It shall be unlawful for any person to receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the Town of Wartrace. "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. (1960 Code, § 2-101)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference  
Tennessee Code Annotated, title 39, chapter 17.



## CHAPTER 2

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

#### SECTION

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

**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.

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

**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

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<sup>1</sup>Municipal 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).

names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

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

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

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight.

**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. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the Town of Wartrace. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

**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). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the Town of Wartrace, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

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

permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. A single permit may be issued for on premise and off premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.

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

**8-211. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred (300) feet of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line<sup>1</sup> from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the hospital, school, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church, or other place of public gathering if a valid permit had been issued to any business on that same location as of January 1, 1993, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period after January 1, 1993.

**8-212. 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.

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<sup>1</sup>State law reference

See Watkins v. Naifeh, 625 S. W. 2d 104 (Tenn. 1982) and other cases cited therein which establish the straight line method of measurement.

No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant 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.

**8-213. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

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

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

(3) Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. during any night of the week; at any time on Sunday; or on election days before and while the polls are lawfully open.

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

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

(6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(7) Allow drunk persons to loiter about his premises.

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(9) Allow pool or billiard playing in the same room where beer is sold and/or consumed.

(10) Fail to provide and maintain separate sanitary toilet facilities for men and women.

**8-214. 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 revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board.

**8-215. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to

exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

## TITLE 9

### BUSINESS, PEDDLERS, SOLICITORS, ETC.

#### CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. POOL ROOMS.
3. CABLE TELEVISION.

#### CHAPTER 1

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

#### SECTION

- 9-101. Definitions.
- 9-102. Exemptions.
- 9-103. Permit required.
- 9-104. Permit procedure.
- 9-105. Restrictions on peddlers, street barkers and solicitors.
- 9-106. Restrictions on transient vendors.
- 9-107. Display of permit.
- 9-108. Suspension or revocation of permit.
- 9-109. Expiration and renewal of permit.
- 9-110. Violation and penalty.

**9-101. 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.

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<sup>1</sup>Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-701.

(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:

(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 Bedford 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) "Transient vendor"<sup>1</sup> means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 62-30-101 et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 62-30-101(3). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the 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.

**9-102. Exemptions.** The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold.

**9-103. Permit required.** No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter. (1960 Code, §§ 5-101 and 5-201, modified)

**9-104. 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, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

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

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

(d) The names and permanent addresses of each person who will make sales or solicitations within the 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, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an



application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

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

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit. (1960 Code, §§ 5-102, 5-104, 5-202, and 5-203, modified)

**9-105. 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, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

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

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

**9-106. Restrictions on transient vendors.** A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

**9-107. 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. (1960 Code, §§ 5-105 and 5-205, modified)

**9-108. Suspension or revocation of permit.** (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes:

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

(b) Any violation of this chapter.

(2) Suspension or revocation by the board 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 city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1960 Code, §§ 5-108 and 5-208, modified)

**9-109. Expiration and renewal of permit.** The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the town. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

**9-110. 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 by a penalty of up to one hundred dollars (\$100) for each offense. Each day a violation occurs shall constitute a separate offense.

**CHAPTER 2****POOL ROOMS<sup>1</sup>****SECTION**

9-201. Prohibited; exception.

**9-201. Prohibited; exception.** No person or corporation shall operate or allow to be operated on property within the corporate limits of Wartrace, Tennessee, on Sunday of any week, a place of business in which the public plays pool, billiards, cards, bingo, darts or other games of chance, except by special permit issued by the mayor and board of aldermen for a specific date or dates. However, nothing in this section shall be construed to preclude individuals from playing such games in private homes or in churches without any payment being made to or from a participant. (Ord. #86-002, July 1986)

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

## CHAPTER 3

### CABLE TELEVISION

#### SECTION

9-301. To be furnished under franchise.

**9-301. To be furnished under franchise.** Cable television service shall be furnished to the Town of Wartrace and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Wartrace and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup>

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #92-010, Dec. 1992, and Ord. #00-005, Nov. 2000 in the office of the city recorder.

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

1. IN GENERAL.
2. DOGS.
3. PIT BULLS.

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

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

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

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1960 Code, § 3-101, modified)

**10-102. Keeping near a residence or business restricted.** Swine are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, as measured in a straight line. (1960 Code, § 3-102, modified)

**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. (1960 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. (1960 Code, § 3-104, modified)

**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. (1960 Code, § 3-105)

**10-106. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the chief of police.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1960 Code, § 3-107, modified)

**10-107. Violation and penalty.** Any violation of any section of this chapter other than § 10-104 shall subject the offender to a penalty of up to one hundred fifty dollars (\$150) for each offense. Each day the violation shall continue shall constitute a separate offense.

## CHAPTER 2

### DOGS

#### SECTION

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

**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. (1960 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. (1960 Code, § 3-202, modified)

**10-203. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so muzzled, confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1960 Code, § 3-203)

**10-204. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (1960 Code, § 3-204)

**10-205. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid.

**10-206. Seizure and disposition of dogs.** Any dog found running at large in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or

designated by the board of mayor and aldermen. If the dog is wearing a tag the owner shall be notified, by a postcard addressed to his last-known mailing address, to appear within five (5) days and redeem his dog by paying pound costs or the dog will be sold or humanely destroyed in cooperation with the Bedford County Humane Association. If a dog is picked up without a tag, and proof of vaccination for rabies cannot be shown, this vaccination must be accomplished and a tag placed on the dogs collar. (1960 Code, § 3-205, as amended by Ord. #84-001, Dec. 1984)

**10-207. Destruction of vicious or infected dogs running at large.** 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 any policeman or other properly designated officer.<sup>1</sup>

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<sup>1</sup>State 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

### PIT BULLS

#### SECTION

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

**10-301. Definitions.** The words used in this code shall have the following meanings:

- (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. (as added by Ord. #03-002, Nov. 2005)

**10-302. Restrictions.** It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of Wartrace Tennessee.

Provided, that persons owning such dogs at the time this section was adopted, shall be allowed to keep them subject to the provisions of § 10-303. (as added by Ord. #03-002, Nov. 2005)

**10-303. Standards and requirements.** The following standards and requirements apply to pit bull dogs located within the corporate limits.

- (1) Registration. Each owner, keeper, harborer, 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 zoning and building ordinances and regulations of the Town of Wartrace and shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

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

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

(6) Insurance. All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the 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 city recorder.

(7) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must 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 city [REDACTED] 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 limits of the city. (as added by Ord. #03-002, Nov. 2005)

**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 Wartrace 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 Wartrace. (as added by Ord. #03-002, Nov. 2005)

**10-305. Animals born of registered dogs.** All offspring born of pit bull dogs within the Town of Wartrace must be removed from the Town of Wartrace within six (6) weeks of the birth of such animal. (as added by Ord. #03-002, Nov. 2005)

**10-306. Rebuttable presumptions.** There shall be a rebuttable presumption that any dog registered within the Town of Wartrace 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 code. (as added by Ord. #03-002, Nov. 2005)

**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 Wartrace to fail to comply with the provisions of this code. Any dog found to be the subject of a violation of this code 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 Wartrace. (as added by Ord. #03-002, Nov. 2005)

**10-308. Violations and penalties.** Any persons violating or permitting the violation of any provisions of this code shall be guilty of a civil offense and upon conviction shall be subject to the fine as prescribed in the general penalty clause of the Town of Wartrace code. Each day such violation shall continue constitutes a separate offense. Further, the city court may order the dog removed from the Town of Wartrace. Should the defendant refuse to remove the dog from the Town of Wartrace, the city 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 code 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 code. (as added by Ord. #03-002, Nov. 2005)

## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

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

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink, 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 a permit and license for on premises consumption of such beverage. (1960 Code, § 10-236)

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<sup>1</sup>Municipal code references

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

<sup>2</sup>Municipal code reference

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

State law reference

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

**11-102. Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1960 Code, § 10-227, 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 conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.

**CHAPTER 3**

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-301. Assault and battery.

**11-301. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery upon another person. (1960 Code, § 10-201)

## CHAPTER 4

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

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

**11-401. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1960 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, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the



quiet, comfort, or repose of any 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. (1960 Code, § 10-237)

## 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 an officer.

**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. (1960 Code, § 10-210)

**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. (1960 Code, § 10-212)

**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. (1960 Code, § 10-218)

**11-504. Resisting or interfering with an officer.** It shall be unlawful for any person to resist or in any way interfere with or attempt to interfere with any police officer or employee while the latter is in the discharge or apparent discharge of his duty. (1960 Code, § 10-211)

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

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

**11-601. Air rifles, etc.** It shall be unlawful for any person in the 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. (1960 Code, § 10-214)

**11-602. Throwing missiles.** It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1960 Code, § 10-215)

**11-603. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1960 Code, § 10-213, modified)

## 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.

**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. (1960 Code, § 10-226)

**11-703. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1960 Code, § 10-231)

**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.

## CHAPTER 8

### MISCELLANEOUS

#### SECTION

11-801. Begging regulated.

11-802. Posting notices, etc.

11-803. [Deleted.]

11-804. Prohibited uses relative to municipal property.

**11-801. Begging regulated.** It shall be unlawful for any person to solicit alms or to otherwise "beg" within the corporate limits except when such person is acting for a church, school, or other eleemosynary, charitable, religious, social service or other public institution or organization, and then only after a written permit has been obtained from the recorder. This section shall not, however, apply to solicitations made at the regular services or meeting of religious organizations, etc., but is intended to regulate solicitations from the general public. (1960 Code, § 5-109)

**11-802. Posting notices, etc.** No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1960 Code, § 10-232)

**11-803. [Deleted.]** (1960 Code, § 10-230, as deleted by Ord. #03-005, Nov. 2003)

**11-804. Prohibited uses relative to municipal property.** (1) It shall be unlawful for any person to allow any livestock, including horses and cattle, upon municipal parks or the municipal cemetery.

(2) It shall be unlawful for any person to exercise, ride, or train horses in municipal parks or in any cemetery within the municipal limits of the Town of Wartrace.

(3) It shall be unlawful for any person to operate motorbikes, go-carts, three-wheeled or four-wheeled all-terrain vehicles in municipal parks or in any cemetery within the municipal limits of the Town of Wartrace.

(4) Any use that would be otherwise prohibited under this section may be allowed by special permit granted by the board of mayor and alderman, in accordance with any terms and conditions imposed by such special permit. Any request for use by special permit shall be made in writing to the Town of Wartrace at least five days prior to the regular monthly meeting of the board of mayor and aldermen preceding the date of such requested use.

(5) Any person violating this section shall upon due notice and conviction, therefore, be subject to a fine of not less than five dollars (\$5.00), nor

more than fifty dollars (\$50.00), and shall further be liable to pay for any damage done to municipal property or any such cemetery resulting from the violation of this section. (Ord. #92-009, Feb. 1993)

**CHAPTER 9****CURFEW FOR MINORS****SECTION**

- 11-901. Purpose.
- 11-902. Definitions.
- 11-903. Curfew enacted; exceptions.
- 11-904. Parental involvement in violation unlawful.
- 11-905. Involvement by owner or operator of vehicle unlawful.
- 11-906. Involvement by operator or employee of establishment unlawful.
- 11-907. Giving false information unlawful.
- 11-908. Enforcement.
- 11-909. Violation of §§ 11-903, 11-904, 11-905, or 11-906 subsequent to previous warning punishable by fine.

**11-901. Purpose.** The purpose of this chapter is to

- (1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the town;
- (2) Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and
- (3) Foster and strengthen parental responsibility for children. (as added by Ord. #03-005, Nov. 2003)

**11-902. Definitions.** As used in this chapter, the following words have the following meanings:

- (1) "Curfew hours" means the hours of 12:00 A.M. through 6:00 A.M. each day.
- (2) "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.
- (3) "Establishment" means any privately-owned business place within the town operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word "operator" with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.
- (4) "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.



- (5) "Parent" means:
- (a) A person who is a minor's biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;
  - (b) A person who is the biological or adoptive parent with whom a minor regularly resides;
  - (c) A person judicially appointed as the legal guardian of a minor; and/or
  - (d) A person eighteen (18) years of age or older standing in loco parentis (as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).
- (6) "Person" means an individual and not a legal entity.
- (7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.
- (8) "Remain" means:
- (a) To linger or stay at or upon a place or
  - (b) To fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.
- (9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object. (as added by Ord. #03-005, Nov. 2003)

**11-903. Curfew enacted; exceptions.** It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the town, to remain in any motor vehicle operating or parked on any public place within the town, or to remain in or upon the premises of any establishment within the town, unless:

- (1) The minor is accompanied by a parent; or
- (2) The minor is involved in an emergency; or
- (3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or
- (4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
- (5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or

(6) The minor is on a errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly. (as added by Ord. #03-005, Nov. 2003)

**11-904. Parental involvement in violation unlawful.** It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-903 of this chapter. (as added by Ord. #03-005, Nov. 2003)

**11-905. Involvement by owner or operator of vehicle unlawful.** It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-903 of this chapter using the motor vehicle. (as added by Ord. #03-005, Nov. 2003)

**11-906. Involvement by operator or employee of establishment unlawful.** It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave. (as added by Ord. #03-005, Nov. 2003)

**11-907. Giving false information unlawful.** It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-903 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars (\$50.00). (as added by Ord. #03-005, Nov. 2003)

**11-908. Enforcement.** (1) Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-903 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-903 and shall issue a citation requiring the minor

to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

(2) Others. If an officer's investigation reveals that a person has violated § 11-903, 11-904, 11-905, or 11-906 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court. (as added by Ord. #03-005, Nov. 2003)

**11-909. Violation of §§ 11-903, 11-904, 11-905, or 11-906 subsequent to previous warning punishable by fine.** A violation of §§ 11-903, 11-904, 11-905, or 11-906 subsequent to receiving a verbal warning as provided in § 11-908 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation. (as added by Ord. #03-005, Nov. 2003)

**CHAPTER 10****STATE CRIMINAL MISDEMEANORS****SECTION**

11-1001. Certain misdemeanors under state law.

11-1002. Maximum penalty.

**11-1001. Certain misdemeanors under state law.** (1) All criminal offenses against the State of Tennessee which are defined by state law to be misdemeanors punishable by a fine of fifty dollars (\$50.00) or less, or confinement for a period of thirty (30) days or less, or both, are hereby adopted by reference into the Municipal Code of the Town of Wartrace, Tennessee as if incorporated herein verbatim, are designated and declared to be offenses under the laws and ordinances of the Town of Wartrace, and any such offense committed within the corporate jurisdiction of the Town of Wartrace is an offense against the Town of Wartrace and a violation of this section.

(2) It shall be an offense against the Town of Wartrace and a violation under this section for any person to do or cause to be done any act which shall be declared a misdemeanor against the State of Tennessee punishable by a fine of fifty dollars (\$50.00) or less, or confinement for a period of thirty (30) days or less, or both, by legislation hereafter passed, whenever such act is committed within the corporate jurisdiction of the Town of Wartrace, after such state legislation has become effective and in force and effect upon the inhabitants of the State of Tennessee. (as added by Ord. #06-004, June 2006)

**11-1002. Maximum penalty.** The maximum penalty for violations under § 11-101 is a civil fine not in excess of fifty dollars (\$50.00). (as added by Ord. #06-004, June 2006)



"Building Official " or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen has appointed or designated to administer and enforce the provisions of the building code. Section 107 of the building code is hereby deleted.

(2) Permit fees. The recommended schedule of permit fees set forth in Appendix "B" of the building code is adopted.

SECTION 107.4. SCHEDULE OF PERMIT FEES, is amended to read as follows. There shall be charged a fee for each building permit issued . Fees shall be determined based upon:

APPENDIX B,  
RECOMMENDED SCHEDULE OF PERMIT FEES,  
STANDARD BUILDING CODE, 1997.

Section B101

Permit Fees

Total Valuation	Fee
\$1,000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15.00 for the first \$1,000 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00
\$100,000 to \$500,000	\$460.00 for the first \$100,000 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00
\$500,000 and up	\$1660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

Section B102

Moving Fee

For the moving of any building or structure, the fee shall be \$100.00.

Section B103  
Demolition Fee

For the demolition of any building or structures, the fee shall be:

0 up to 100,000 cu ft	\$50.00
100,000 cu ft and over	\$0.50/1,000 cu ft

Section B104  
Penalties

Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

Section B105  
Plan-Checking Fees

When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted by 104.2, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in 104.7. Such plan-checking fee is in addition to the building permit fee. (1960 Code, § 4-102, as amended by Ord. #91-004, July 1991; and Ord. 99-006, July 1999)

**12-103. Available in town hall.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the building code has been placed on file in the town hall and shall be kept there for the use and inspection of the public. (1960 Code, § 4-103, modified)

**12-104. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1960 Code, § 4-104)

## CHAPTER 2

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

#### SECTION

12-201. Plumbing code adopted.

12-202. Modifications.

12-203. Available in town hall.

12-204. Violations.

**12-201. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings and appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,<sup>2</sup> 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. #91-003, June 1991, modified)

**12-202. Modifications.** (1) Definitions. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the mayor to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted.

(2) Permit fees. The schedule of permit fees as recommended in the plumbing code is hereby amended to read as follows: There shall be charged a fee of five dollars (\$5.00) for each plumbing permit issued. This fee shall include the cost of one inspection to be made by the plumbing inspector. Should

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.



additional inspections be necessary, there shall be an added charge of five dollars (\$5.00) for each such inspection. (1960 Code, §4-202, modified)

**12-203. Available in town hall.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the town hall and shall be kept there for the use and inspection of the public. (1960 Code, § 4-203, modified)

**12-204. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1960 Code, § 4-204)

## CHAPTER 3

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

#### SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in town hall.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.
- 12-306. Fees.
- 12-307. Exceptions.

**12-301. Electrical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,<sup>2</sup> 1993 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1960 Code, § 4-301, modified)

**12-302. Available in town hall.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the town hall and shall be kept there for the use and inspection of the public. (1960 Code, § 4-302, modified)

**12-303. Permit required for doing electrical work.** No electrical work shall be done within this town until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1960 Code, § 4-303)

**12-304. Violations.** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under

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<sup>1</sup>Municipal code references

Fire protection, fireworks and explosives: title 7.

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

such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1960 Code, § 4-304)

**12-305. Enforcement.** The electrical inspector shall be such person as the mayor shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1960 Code, § 4-305)

**12-306. Fees.** The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102 -143 for electrical inspections by deputy inspectors of the state fire marshal. (1960 Code, § 4-306)

**12-307. Exceptions.** Duck River Electric Membership Cooperative serves the Town of Wartrace and requires inspection by state inspectors prior to serving any new or modified electric service customer. This inspection will be accepted in lieu of the above requirements, except that this exception will not prevent the Town of Wartrace from requiring electrical inspection for safety and enforcement of companion codes if required.

## CHAPTER 4

### HOUSING CODE

#### SECTION

12-401. Housing code adopted.

12-402. Modifications.

12-403. Available in town hall.

12-404. Violations.

**12-401. Housing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing uniform and adequate housing and is dedicated to the development of up-to-date building, plumbing, housing as contained the Standard Housing Code,<sup>1</sup> 1991 edition, with 1992/1994 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (Ord. #91-003, June 1991, modified)

**12-402. Modifications.** Wherever the housing code refers to the "Housing Official" it shall mean the person appointed or designated by the mayor to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen.

**12-403. Available in town hall.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the town hall and shall be kept there for the use and inspection of the public.

**12-404. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified.

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

## CHAPTER 5

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

#### SECTION

12-501. Model energy code adopted.

12-502. Modifications.

12-503. Available in town hall.

12-504. Violations and penalty.

**12-501. Model energy code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code<sup>2</sup> 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

**12-502. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Wartrace. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

**12-503. Available in town hall.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

been placed on file in the town hall and shall be kept there for the use and inspection of the public.

**12-504. Violation and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.



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 to effectively prevent the breeding of mosquitoes. (1960 Code, § 10-229, modified)

13-104. Weeds, vegetation, debris, etc.<sup>1</sup> If it is determined by the health officer or any other person as designated by the board of mayor and aldermen of the Town of Wartrace that any owner of record of real property has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals, the designated person shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include but not be limited to the following elements:

- (1) A brief statement of this law which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office address, and telephone number of the department or person giving notice;
- (3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

If the owner requests a hearing the request shall be made within ten (10) days following the receipt of the notice of conditions. Failure to make the request within the ten (10) day period shall without exception constitute a waiver of the right to a hearing.

If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the designated person shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The cost shall be a lien upon the property in favor of the town. These costs shall be placed upon the tax rolls of the Town of Wartrace as a lien upon the property and shall be collected in the same manner as the town's taxes are collected. Provided, however, if the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage, or other materials the ten (10) day

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 6-54-113.





## CHAPTER 2

UNSAFE BUILDINGS

## SECTION

- 13-201. Purpose
- 13-202. Building inspector defined.
- 13-203. Dangerous buildings defined.
- 13-204. Standards for repair, vacation or demolition.
- 13-205. Dangerous buildings--nuisances.
- 13-206. Duties of building inspector.
- 13-207. Duties of board of mayor and aldermen.
- 13-208. Violations--penalty for disregarding notices or orders.
- 13-209. Duties of the city attorney.
- 13-210. Emergency cases.
- 13-211. Where owner absent from the town.
- 13-212. Administrative liability
- 13-213. Duties of the fire department.
- 13-214. Duties of the police department.

13-201. Purpose. This chapter provides for the vacation, removal, repair and/or demolition of any building or structure which is or threatens to be a public nuisance, dangerous to the health, morals, safety or general welfare of the people of the Town of Wartrace, Tennessee or which might tend to constitute a fire menace. This chapter also provides for the assessment of the cost of vacation, removal, repair or demolition thereof as a municipal lien or assessment against such premises, and provides for the recovery of such costs in an action at law. (Ord. #81-004, \_\_\_\_\_)

13-202. Building inspector defined. Whenever this code refers to the "Building Inspector" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of this code. (Ord. #81-004, \_\_\_\_\_)

13-203. Dangerous buildings defined. All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- (1) Those whose interior walls or other vertical structural members lists, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (2) Those which, exclusive of the foundation, show thirty-three (33) per cent or more, of damage or deterioration of the supporting member or members, or fifty (50) per cent of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the Town of Wartrace.

(5) Those which have become or are as dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

(6) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(9) Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of this town.

(10) Those buildings existing in violation of any provision of the building code of this town, or any provision of the fire prevention code, or other ordinances of this town. (Ord. #81-004, \_\_\_\_\_)

13-204. Standards for repair, vacation or demolition. The following standards shall be followed in substance by the building inspector and the town board in ordering repair, vacation or demolition:

(1) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter it shall be ordered repaired.

(2) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

(3) In any case where a "dangerous building" is 50 per cent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the town or statute of the State of Tennessee it shall be demolished. (Ord. #81-004, \_\_\_\_\_)









## CHAPTER 3

JUNK, SALVAGE, ABANDONED OR INOPERABLE VEHICLES

## SECTION

13-301. Definitions.

13-302. Storage and care of premises.

13-303. Violation and penalty.

13-301. Definitions. (1) "Junk, salvage" - Any accumulation of items not in use, incapable of being used, and exposed to the weather.

(2) "Abandoned or inoperable vehicles" - One that is in a state of disrepair, incapable of being moved under its own power, and/or not bearing a current valid motor vehicle license, or license plate. (Ord. #90-002, Nov. 1990)

13-302. Storage and care of premises. (1) It shall be unlawful for the owner or occupant of a residential, commercial, industrial building, structure or property to utilize the premises of such property for the storage of any abandoned or inoperable vehicle, ice box, freezer, refrigerator, stove, washing and drying machines, glass, rags, motors, tires, building material, building rubbish, junk, salvage, or similar items.

(2) Open storage shall include storage on a porch or landing when such storage is visible to pedestrians on the sidewalk or motorists on the public street.

(3) It shall be the duty and responsibility of every owner, occupant, person, firm, corporation or agent to keep the premises of such property clean, and to remove from said premises all of the above-named items, including , but not limited to weeds, dead trees, trash, garbage, etc., upon official notice from the Town of Wartrace. (Ord. #90-002, Nov. 1990)

13-303. Violation and penalty. (1) Any violation of this chapter is hereby declared a nuisance; the offending party shall be deemed guilty of a misdemeanor, and upon due notice, and conviction thereof shall be subject to a fine of not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00).

(2) The Town of Wartrace through the party or department designated by the board of mayor and aldermen may take into custody any motor vehicle, junk, or salvage, which is deemed to fit the description of §§ 13-301 and 13-302, with official notice and consent of the owner(s) or occupant(s), and said party or parties shall be liable to the Town of Wartrace for any costs incurred, and upon the party or parties failure to pay said expenses, a lien shall be placed upon the property for the amount of such expenses.

(3) The Town of Wartrace may employ the means necessary to accomplish the removal, storage and disposition of said vehicles, junk or salvage.







## TITL E 14

ZONIN G AND LAND USE CONT ROL

## CHA PT ER

1. MUNI CIPAL PL ANNI NG COMMISSION.
2. ZONI NG ORDI NANCE.
3. POLI CY FOR DEVELOPERS.

## CHA PT ER 1

MUNI CIPAL PLANN ING COMMI SSION

## SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereina fter refer red to as the planning commission. The planning commission shall consist of fiv e (5) members; tw o (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 three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such with out compensation. Except for the initial a ppointments, the terms of the three (3) members appointed by the mayor shall b e for three (3) years each. The thr ee (3) members first appointed s hall be appointed f or ter ms of one (1), tw o (2), and three (3) years respectively so that the ter m of one (1) member expires each year. The terms of the mayor and the membe r selected by the board of mayor and aldermen shall run concurr ently thei r ter ms of office. Any vacancy in an appointive membership shall be fille d for the un expir ed term by the mayor, who shall also have the authority to remove any appointi ve member at his will an d pleasure. (1960 Code, § 11-101)

14-102. Org an iz at io n, pow ers , dut ies, e tc. 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. (1960 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planni ng commission shall hav e the additiona l powers granted by, and shall otherwise be governed by the p rovisions of the state la w relati ng to regional planning commissions.

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 Wartrace shall be governed by Ordinance Number 87-005, titled "Zoning Ordinance, Wartrace, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance No. 87-005, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.



(7) All work shall be performed by a contractor properly licensed to perform the work to be constructed.

(8) Developers will receive credit for off-site improvements by deducting privilege fees for lots. If privilege fees amount to more than off-site improvements, then this additional amount will be paid to the Town of Wartrace. However, if privilege fees are less than off-site improvements, developer will not have a credit with the Town of Wartrace.

(9) (a) All work shall be inspected and approved by the Town of Wartrace before or after final acceptance.

(b) The value of the development's on-site and off-site additions to the Town of Wartrace's inventory shall be recorded as aid-in-construction and depreciated as required by law.

(10) In case of any discrepancies regarding this policy, the final ruling will be made by the Town of Wartrace's Board of Mayor and Aldermen.

(11) Normal tap fee is \$\_\_\_\_\_<sup>1</sup> for a 5/8" x 3/4" meter. When house is ready for occupancy, the homeowner shall come to the Town Hall, request service, and pay a \$50.00 service fee. The Town of Wartrace shall install meter. If builder desires water while constructing a house, then the builder shall request service, pay a \$50.00 non-refundable, non-transferable service fee, and obtain water at the prevailing rate. There shall be no jumpers installed.

(12) Attachment 1: Cost Schedule Summary which is included in its entirety.<sup>2</sup>

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<sup>1</sup>Ordinance 97-002 (June 1997) from which this chapter was taken, did not indicate an amount.

<sup>2</sup>Attachments to Ordinance 97-002 (June 1997) are of record in the office of the recorder.













wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor capacity that does not exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the 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, motor driven cycles, or motorized bicycles.

(3) No person operating or riding a bicycle, motorcycle, motor driven cycle or motorized bicycle shall ride other than up on or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than up on a firmly attached and regular seat thereon.

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lenses for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or

guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section.

**15-122. Delivery of vehicle to unlicensed driver, etc.**

(1) Definitions. (a) "Adult" shall mean any person eighteen years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(e) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the Town of Wartrace unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the town in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the town.











## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic control signals generally.
- 15-508. At flashing traffic control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1960 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. (1960 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. (1960 Code, § 9-403)

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<sup>1</sup>Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

**15-504. At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1960 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. (1960 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. (1960 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.









8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the board of mayor and aldermen, parking shall be regulated by parking meters where the same have been installed by the town. The presumption shall be that all installed parking meters were lawfully installed by the town. (1960 Code, § 9-506, modified)

**15-607. Lawful parking in parking meter spaces.** Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1960 Code, § 9-507)

**15-608. Unlawful parking in parking meter spaces.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1960 Code, § 9-508)

**15-609. Unlawful to occupy more than one parking meter space.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1960 Code, § 9-510, modified)

**15-610. Unlawful to deface or tamper with meters.** It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1960 Code, § 9-511)

**15-611. Unlawful to deposit slugs in meters.** It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1960 Code, § 9-512)



**15-612. Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1960 Code, § 9-513)









driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup>

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.

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.

16-107. Littering of streets, etc. It shall be unlawful for any person to place or throw on any street, alley, or other public way or place within the municipality any rubbish, glass, tacks, bottles or paper, or other objects which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. The fine for such offense will be left to the discretion of the city judge up to a maximum of \$50.00. (Ord. #84-002, Dec. 1984)

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.

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.

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.

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



## CHAPTER 2

EXCAVATIONS<sup>1</sup>

## SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1960 Code, §10-222, modified)

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 hereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

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<sup>1</sup>State law reference

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



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

16-203. Fee. The fee for such permits shall be fifty dollars (\$50.00). (Ord. #87-001, June 1987)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. In the event any permit holder desires to cut any public street, road or alley, in other than a perpendicular direction from the curb or right-of-way of said street, road or alley, such permit holder shall specifically apply for permission to do so, and the city recorder, city engineer and/or the building inspector shall inspect the area where the work is proposed to be performed and the city recorder shall require a deposit of no less than forty (\$40.00) dollars per running foot, and said permit holder shall be required to backfill in the same manner as cut for a perpendicular direction from the curb or right-of-way. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the 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 and work is satisfactorily completed and has been inspected by the city engineer, or building inspector.

In lieu of a deposit the applicant may deposit with the city recorder a surety bond in such form and amount as the city recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (Ord. #87-001, June 1987, modified)

16-205. Safety restrictions on excavations. 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. (Ord. #87-001, June 1987, modified)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street,



against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate.

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.

16-209. Supervision. The person designated by the board of mayor and aldermen 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.

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Refuse collection fees.
- 17-110. Violations.

**17-101. Refuse defined.** Refuse shall mean and include garbage, and refuse as generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, leaves, brush, tree trimmings and other scrap wood, and similar materials are expressly excluded therefrom and shall not be stored therewith.

**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. (Ord. #72-001, Nov. 1972)

**17-103. Storage.** Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the town handles

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

mechanically. Furthermore, except for containers which the town handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (Ord. #72-001, Nov. 1972, modified)

**17-104. Location of containers.** Where alleys are used by the town refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the town refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (Ord. #72-001, Nov. 1972, modified)

**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. (Ord. #72-001, Nov. 1972)

**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. (Ord. #72-001, Nov. 1972, modified)

**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. (Ord. #72-001, Nov. 1972, modified)

**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. (Ord. #72-001, Nov. 1972, modified)



## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

1. GENERAL.
2. WATER AND SEWERS.
3. SEWER USE REGULATIONS.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

#### CHAPTER 1

#### GENERAL

#### SECTION

- 18-101. Control of systems.  
 18-102. Establishment of advisory committee.  
 18-103. Initial membership/term of office.  
 18-104. [Deleted.]  
 18-105. [Deleted.]  
 18-106. [Deleted.]  
 18-107. [Deleted.]

**18-101. Control of systems.** (1) The control, maintenance, and operation of the water and sewerage systems of the Town of Wartrace shall be vested in the board of mayor and aldermen, with the authority to establish such advisory committees, as they may from time to time see fit to establish.

(2) The full powers, responsibilities and duties of the Wartrace Utility Commission as stated in any ordinances, resolutions, contracts, or any other legal documents shall become the powers, responsibilities, and duties of the Board of Mayor and Aldermen of the Town of Wartrace and the utility advisory committee shall serve only as advisors to the board of mayor and aldermen and perform such other duties as the board of mayor and aldermen may prescribe. (Ord. #63-001, June 1963, as replaced by Ord. #00-001, March 2000)

**18-102. Establishment of advisory committee.** Pursuant to the authority granted by § 18-101, Wartrace Municipal Code, a utility advisory committee is hereby created and established for the purpose of advising the

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

board of mayor and aldermen on water and wastewater matters. (Ord. #77-001, Sept. 1977, as replaced by Ord. #00-001, March 2000)

**18-103. Initial membership/term of office.** Members of the Wartrace Utility Commission, which existed prior to the enactment of this chapter, shall constitute the initial utility advisory committee and shall serve the remainder of the terms for which they were appointed. Thereafter all appointments shall be made by the board of mayor and aldermen for three year terms. (Ord. #63-001, June 1963, as replaced by Ord. #00-001, March 2000)

**18-104. [Deleted.]** (as deleted by Ord. #00-001, March 2000)

**18-105. [Deleted.]** (Ord. #77-001, Sept. 1977, as deleted by Ord. #00-001, March 2000)

**18-106. [Deleted.]** (Ord. #77-001, Sept. 1977, as deleted by Ord. #00-001, March 2000)

**18-107. [Deleted.]** (Ord. #63-001, June 1963, as deleted by Ord. #00-001, March 2000)





(2) "Service line" shall consist of the pipe line extending from any water or sewer main of the town to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the town's water main to and including the meter and meter box.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(4) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

(5) "Outside customers" means any customer which receives either water and/or sewer services outside the corporate limits of the Town of Wartrace and are not on water route one (1) or water route two (2).

**18-203. Application and contract for service.** Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract and pay a deposit as set by administrative ordinance<sup>1</sup> by the board of mayor and aldermen before service is supplied. The deposit shall be refundable if and only if the town cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the town to the applicant shall be limited to the return of any deposit made by such applicant.

If service is provided said deposit will be a security for prompt payment of all subscribers served by the system, which deposit will be returned to the subscriber upon the termination of service, if all charges due the systems have been paid, but in the event the subscriber becomes in arrears in such charges then such deposit shall be used in whole or in part in the liquidation of same and the deposit of the subscriber shall be his consent to use such in this event. All such deposits shall be retained in a separate account to be accounted for at the termination of service, except in the case of a subscriber becoming in arrears in payments, at which time the deposit may be withdrawn from the special account and applied to the payment of the delinquent charge. (Ord. #85-002, Aug. 1985, modified)

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<sup>1</sup>Administrative ordinances are of record in the office of the city recorder.

**18-204. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service.

**18-205. Connection charges.** Service lines will be laid by the town from its mains to the property line or a maximum length of one hundred (100) feet at the utility's expense. The location of such lines will be determined by the town.

Before a new water or sewer service line will be laid by the town, the applicant shall pay a nonrefundable tap fee in accordance with the administrative ordinance<sup>1</sup> setting water and sewer rates and tap fees adopted by the board of mayor and aldermen. In no case shall the cost of running the service line and making the tap run in excess of the tap fee charge. All costs of service lines and taps in excess of the tap fee charged shall be paid by the customer.

When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box (or property line, in case of sewers), and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer.

**18-206. Water and sewer main extensions.**<sup>2</sup> Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

All such extensions shall be installed either by town forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist

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<sup>1</sup>Administrative ordinances are of record in the office of the city recorder.

<sup>2</sup>Municipal code reference

Construction of building sewers: title 18, chapter 2.













**18-218. Supply and resale of water.** All water shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the town.

**18-219. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town.

**18-220. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the town.

All private fire hydrants shall be sealed by the town, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence.

**18-221. Damages to property due to water pressure.** The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains.

**18-222. Liability for cutoff failures.** The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the town has failed to cut off such service.

(2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the town's main.

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off.

**18-223. Restricted use of water.** In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.

**18-224. Interruption of service.** The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

**18-225. Schedule of rates.** All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.<sup>1</sup>

**18-226. Adjustments for water leaks.** No water bill shall be adjusted which is under twenty (\$20.00) dollars. Adjustments may be made on that portion of the bill that exceeds twenty (\$20.00) dollars upon approval of the Utilities Commission and upon written proof to the commission that the leak has been repaired. Only one adjustment annually per customer may be considered.

**18-227. Hardship adjustment for utility service.** (1) Any utility customer who:

- (a) Is over the age of 65;
- (b) Maintains his/her residence along;
- (c) Has social security retirement benefits as their only income source; and
- (d) Has had the minimum water bill for the prior six month period

will be granted, in the event of leaks in the customer's water line, an adjustment of their water bill back down to the minimum rate charged for water.

(2) Any utility customer eligible for an adjustment will be allowed no more than two (2) such adjustments per calendar year.

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<sup>1</sup>Administrative ordinances and regulations are of record in the office of the city recorder.

(3) Any utility customer requesting an adjustment pursuant to this section shall make written application therefor and shall provide any documentation requested to establish their eligibility for such rate adjustment, which request shall be submitted to and approved or denied by the utilities commission. (Ord. #94-001, Aug. 1994)

**18-228. Water adjustment policy for leaks.** (1) Adjustment will be made based on the prior "5" month's usage. This usage will be added to the leakage amount billing (up to two months) and then divided by "6."

(2) This adjusted usage will be calculated at current rate plus taxes. For those customers with sewer same adjustment will be reflected.

(3) Adjustments will only be granted after leak is fixed and customer's account must be current when adjustment is requested.

(4) No adjustment will be made below customer's normal monthly average.

(5) Adjustments will be made up to twice a year.

(6) This adjustment policy does not include "contract" customers (i.e. Coey, Bell Buckle and BCUD). (Ord. #98-001, May 1998)

**18-229. Fire hydrant rental.** Charges for fire hydrants shall be made in accordance with rates established by administrative ordinance<sup>1</sup> of water and sewer rates and charges adopted by the board of mayor and aldermen. The rental charges for hydrants installed within the towns of Normandy and Wartrace shall be billed to the respective towns. Those hydrants placed outside the corporate limits of Wartrace and Normandy were placed there for the County Fire Department's use. They shall remain available until they become inoperative, at which time they will be taken out of service unless the county will assume stated rental charges payments or other arrangements are made for the repairs. (Ord. #77-001, Sept. 1977, modified)

## CHAPTER 3

### SEWER USE REGULATIONS

#### SECTION

- 18-301. Purpose and policy.
- 18-302. Definitions.
- 18-303. Connection to public sewers.
- 18-304. Private domestic wastewater disposal.
- 18-305. Regulation of holding tank waste disposal.
- 18-306. Application for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-307. Discharge regulations.
- 18-308. Industrial user monitoring, inspection reports, records access, and safety.
- 18-309. Enforcement and abatement.
- 18-310. Penalties; costs.
- 18-311. Fees and billing.
- 18-312. Validity.

**18-301. Purpose and policy.** This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the Town of Wartrace, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the town's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the Town of Wartrace to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal, state laws and regulations;
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the Town of Wartrace of must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system

users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the Town of Wartrace and to persons outside the town who are, by contract or agreement with the town users of the municipal wastewater treatment system. Except as otherwise provided herein, the Superintendent, Wartrace Utilities Commission shall administer, implement, and enforce the provisions of this chapter. (Ord. #87-004, Aug. 1987)

**18-302. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251, *et seq.*

(2) "Approval authority." The director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) "Board." The Wartrace Utilities Commission as appointed and working in conjunction with the Town of Wartrace.

(6) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(7) "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard.

(8) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the town's NPDES permit for its

wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(9) "Cooling water." The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(10) "Control authority." The term "control authority" shall refer to the "Approval authority," defined hereinabove; or the superintendent if the town has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.

(11) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service.

(12) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(13) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential purposes only.

(14) "Environmental Protection Agency, or EPA." The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(15) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(16) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(18) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(19) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(20) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(21) "Interference." The inhibition or disruption of the municipal wastewater processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic

Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(22) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(23) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(24) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(25) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(26) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(27) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(28) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.

(29) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except as prohibited by 40 CFR Section 40.36(d).

(30) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(31) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the 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.

(32) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(33) "Shall" is mandatory; "May" is permissive.

(34) "Slug." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(35) "State." The State of Tennessee.

(36) "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(37) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(38) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(39) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(40) "Superintendent." The person authorized by the utilities commission to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(41) "Town." The Town of Wartrace or the Board of Mayor and Aldermen, Town of Wartrace, Tennessee.

(42) "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.

(43) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a 24-hour period



in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(44) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

(45) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(46) "Wastewater treatment systems." Defined the same as POTW.

(47) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof. (Ord. #87-004, Aug. 1987, modified)

**18-303. Connection to public sewers.** (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Wartrace any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the Town of Wartrace any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

(c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) Except as provided in § 18-303(1)(e) below, 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 sewer in 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 the chapter, within thirty (30) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line over public access.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-303(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-304 of this chapter.

(2) Physical connection public sewer. (a) No person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by § 18-306 of this chapter.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the board and town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this chapter. All others may be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be four (4) inches.

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Four (4) inch building sewers shall be laid on a grade greater than 1/8 inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of:

(A) Clay sewer pipe using rubber or neoprene compression joints of approved type;

(B) Cast iron soil pipe with compression joints;

(C) Schedule 40 polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(D) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(E) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(vi) A cleanout shall be located five (5) feet outside of the building, one as it crosses the property line and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "T" or "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(vii) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. Where connections are made with pipe of different inside or outside diameter, proper watertight gasketed or sleeved transition connections shall be used. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a pump and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice

No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town and board.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent.

(b) The applicant for discharge shall notify the superintendent when the building sewer and connection are ready for inspection.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer located on private property. This maintenance will include repair and replacement of the service line as deemed necessary by the superintendent to meet specifications of the town and board. (Ord. #87-004, Aug. 1987)

**18-304. Private domestic wastewater disposal.** (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-303(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-303, the owner shall provide a private sewage pumping station as provided in § 18-303(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days after date of official notice to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the town unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction

in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Bedford County Health Department.

(b) Before commencement of construction of a subsurface oil absorption facility, the owner shall first obtain written permission from the Bedford County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Bedford County Health Department.

(c) A subsurface absorption facility shall not be placed in operation until the installation is completed to the satisfaction of the Bedford County Health Department. They shall be allowed to inspect the work at any stage of construction, and in any event, the owner shall notify the Bedford County Health Department when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Bedford County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health and Environment of the State of Tennessee and/or the Bedford County Health Department. No septic tank or cesspool shall be permitted to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the Bedford County Health Department. (Ord. #87-004, Aug. 1987)

**18-305. Regulation of holding tank waste disposal.** (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the town to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of § 18-305(1), an annual service charge therefore shall be paid to the board to be set as specified in § 18-311. Any such permit granted shall be for one full fiscal year

or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of the tank used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the town by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of Wartrace. (Ord. #87-004, Aug. 1987)

**18-306. Application for domestic wastewater discharge and industrial wastewater discharge permits.**

(1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-303 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the town or board of a prospective customer's application for service shall not obligate the town or board to render the service. If the service applied for cannot be supplied in accordance with this chapter and the town and board's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the town or board to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within a reasonably period of time.

(2) Industrial wastewater discharge permits.

(a) General requirements. 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.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent, an application in the form prescribed by the superintendent, and accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the board and shall include, but not be limited to the following information: name, address, and SIC number of applicant; wastewater constituents and characteristic; discharge variations -- daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the superintendent.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the board under the provisions of this chapter.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-307 of this chapter.

(v) The board will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the board may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the board of a prospective customer's application for wastewater discharge permit shall not obligate the board to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the board's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the board to the applicant of such service.

(vii) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the board with a recommendation that it be denied and notify the applicant in writing of such notice.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the board. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on the average and maximum rate and time of discharge or requirements and equalization;

(iv) Requirements for installation and maintenance of inspections and sampling facilities;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports or discharge reports;

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the board, and affording board access thereto;

(ix) Requirements for notification of the board of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(x) Requirements for notification of slug discharged;



(xi) Other conditions as deemed appropriate by the town or board to ensure compliance with this chapter.

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-306(2)(b)(ii) and (iii). The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the board. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of the chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and

monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the town's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (Ord. #87-004, Aug. 1987)

**18-307. Discharge regulations.** (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the board, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch

manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life, are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds 40°C (104° F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

(l) Any waters containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred forty (140) degrees F (0 and 65° C).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Health and Environment. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health and Environment, to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

**Table A - User Discharge Restrictions**

<u>Pollutant</u>	<u>Daily Average* Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
Antimony	5.0	10.0
Arsenic	0.4	0.8
Cadmium	0.1	0.2
Chromium (total)	2.0	4.0
Copper	0.8	1.6
Cyanide	1.5	3.0
Lead	0.5	1.0
Manganese	0.65	1.3
Mercury	0.005	0.01
Nickel	0.8	1.6
Pesticides & Herbicides	0.005	0.01
Phenols	1.8	3.6
Selenium	0.05	0.1
Silver	0.02	0.04
Surfactants, as MBAS	25.0	50.0
Zinc	1.3	2.6

\*Based on 24-hour flow proportional composite samples.

(3) Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the board the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

**Table B-Plant Protection Criteria**

Parameter	Maximum Concentration (mg/l) (24 Hour Flow) Proportional Composite Sample	Instantaneous Concentration (mg/l) Grab Sample
Aluminum		
dissolved (AL)	3.12	6.0
Antimony (Sb)	1.0	2.0
Arsenic (As)	0.06	0.12
Boron (B)	0.466	0.8
Cadmium (Cd)	0.001	0.002
Chromium Hexavalent	0.4	0.8
Cobalt (Co)	0.03	0.06
Copper (Cu)	0.03	0.06
Cyanide (CN)	0.03	0.06
Fluoride (F)	4.0	8.0
Iron (Fe)	3.12	6.0
Lead (Pb)	0.1	0.2
Manganese (Mn)	0.13	0.26
Mercury (Hg)	0.0001	0.002
Nickel (Ni)	0.16	0.32
Pesticides & Herbicides	0.001	0.002
Phenols	0.01	0.02
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.1
Sulfide	25.0	40.0
Zinc (Zn)	.034	0.6
Total Kjeldahl		
Nitrogen (TKN)	45.0	90.0
Oil & Grease	50.0	100.0
MBAS	5.0	10.0
BOD	*	*
COD	*	*
Suspended Solids	*	*

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\*Not to exceed the design capacity of treatment works.

BDL = Below Detectable Limits

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and Environment and/or the United States Environmental Protection Agency.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the board and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the board and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(7) Exceptions to discharge criteria.

(a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in § 18-307 of this code. Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the board.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the superintendent in his review of the application. Any

appeals shall be presented to the board. The decision by this board shall be considered final.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if accepted, will not:

(i) interfere with the normal collection and operation of the wastewater treatment system;

(ii) limit the sludge management alternatives available and increase the cost of providing adequate sludge management; or

(iii) pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies and thirty (30) more days if approval is requested from the state. This thirty (30) day period may be extended by the board upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the board at its next regularly scheduled meeting.



(d) Review and application by the board. The board shall review and evaluate all applications for exceptions and shall take into account the following factors:

(i) whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-307 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(ii) whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(iii) whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(v) the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(8) Accidental discharges.

(a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of

facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the users expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or designated official) by the telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. #87-004, Aug. 1987)

**18-308. Industrial user monitoring, inspection reports, records access, and safety.** (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and hereby subject to a surcharge. A monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user.

If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense. All sampling and metering equipment shall be approved by the superintendent before installation.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

Whether constructed on public or private property, the monitoring facility shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the superintendent.

(2) Inspection and sampling. The superintendent shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the board or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The board, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within 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 superintendent a report indicating the nature and concentration

of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the superintendent of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with techniques approved by the superintendent. Analysis of these samples shall be conducted by an independent laboratory approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water Quality Control, Tennessee Department of Health and Environment or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the board shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the board employees and the board shall indemnify the company against loss or damage to its property by board employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

**18-309. Enforcement and abatement.** (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply immediately;
- (b) Comply in accordance with a time schedule set forth by the superintendent;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender the applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time schedule. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within 30 days of the issuance of the cease and desist order.

(3) Show cause hearing. (a) The board may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days before the hearing.

(b) The board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the board to:

(i) Issue in the name of the board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any

order of the town or board, the city attorney may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

(5) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent or substantial endangerment to the health or welfare of persons, or causes interference to the POTW, the superintendent or in his absence the person then in charge of the treatment works shall immediately notify the chairman of the board of the nature of the emergency. The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the board or in their absence such officials of the board as may be available, the superintendent shall temporarily terminated the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected.

(6) Public nuisance. Discharges or wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the town code or ordinances governing such nuisance.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating this chapter or the owner or tenant of the property upon which the violation occurs, and the board shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The board shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the

violation, the length of time over which the violation occurs, and the correcting action, if any. (Ord. #87-004, Aug. 1987)

**18-310. Penalties; costs.** (1) Civil penalties. Any user who is found to have violated an order of the board or has willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty and 00/100 dollars (\$50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the board may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, be guilty of a misdemeanor. (Ord. #87-004, Aug. 1987)

**18-311. Fees and billing.** (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the town and board's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements and depreciation.

(2) Types of charges and fees. The charges and fees as established in the board's schedule of charges and fees, may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for application for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring;
- (g) Holding tank waste disposal permit fees; and
- (h) Other fees as the board may deem necessary to carry out the requirements of this chapter.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-306.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the board at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the board. The inspection fee, for inspection not during normal working hours, Monday through



Friday, 8:00 A.M. through 5:00 P.M., may be increased at the discretion of the board.

(5) Sewer user charges. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads; each class user being identified as follows:

(i) Class I: Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(ii) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(b) Determination of costs. The board shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs and of the wastewater collection and treatment system; and debt service costs.

(i) All users who fall under Class I shall pay a single unit charge expressed as dollars per 100 gallons of water purchased (\$/100 gallons) with the unit charge being determined in accordance with the following formula:

Where:

- $C_i$  = the Class I total unit cost in \$1,000 gallons.  
T.S.C. = the total operation and maintenance, administration, and debt service determined by yearly budget projections.  
 $V_t$  = the total volume of wastewater contribution from all users per year as determined from projections from one commission's fiscal year to the next.

(ii) All users who fall within the Class II classification shall pay the same base unit charge per 100 gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(iii) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e. filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(iv) When either the total suspended solids, biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in § 18-311(5)(a), above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

Where:

$C_u$  = Total user charge per unit of time.

$V_c$  = Total cost for transportation and treatment of a unit of wastewater volume.

$V_u$  = Volume contribution per unit of time.

$B_c$  = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

$B_u$  = Total BOD contribution for a user per unit of time.

$S_c$  = Total cost of treatment of a unit of suspended solids.

$S_u$  = Total suspended solids contribution from a user per unit of time.

(6) Surcharge fees. If it determined by the board that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge.

(7) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-306.

(8) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the board for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(9) Billing. The rules and regulations for billing shall be set by the board.

(10) Annual notification. Each user of the system will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. #87-004, Aug. 1987)

**18-312. Validity.** This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the Town of Wartrace, Tennessee. (Ord. #87-004, Aug. 1987)

## CHAPTER 4

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

**18-401. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the Town of Wartrace 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 with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Inter-connection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(6) "Person." Any and all persons, natural or artificial, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (Ord. #81-003, June 1981)

**18-402. Standards.** The Wartrace Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #81-003, June 1981)

**18-403. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or inter-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, by-pass or inter-connection is at all times under the direct supervision of the superintendent of the Town of Wartrace. (Ord. #81-003, June 1981)

**18-404. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the Town of Wartrace a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. #81-003, June 1981)

**18-405. Inspections required.** It shall be the duty of the Wartrace Public Water Supply 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 re-inspections based on potential health hazards involved, shall be established by the superintendent of the Town of Wartrace and as approved by the Tennessee Department of Health. (Ord. #81-003, June 1981)

**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 Wartrace Public Water Supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. 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. (Ord. #81-003, June 1981)

**18-407. Correction of existing violations.** Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of 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 Town of Wartrace. (Ord. #81-003, June 1981)

**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 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 Town of Wartrace, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the Town of Wartrace 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.

The department 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, 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 Town of Wartrace. (Ord. #81-003, June 1981)

**18-409. Unpotable water to be labeled.** The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #81-003, June 1981)

**18-410. Violations.** 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. In addition to the foregoing fines and penalties, the superintendent of the Town of Wartrace shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. #81-003, June 1981)

**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

**1. ELECTRICITY.**

**CHAPTER 1**

**ELECTRICITY<sup>1</sup>**

**SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.<sup>2</sup> The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

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<sup>1</sup>Municipal code reference  
Electrical code: title 12.

<sup>2</sup>The agreements are of record in the office of the city recorder.



**TITLE 20**

**MISCELLANEOUS**

**RESERVED FOR FUTURE USE**

ORDINANCE NO. 99-007**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF WARTRACE TENNESSEE.**

WHEREAS some of the ordinances of the Town of Wartrace 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 Wartrace, 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 "Wartrace Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF WARTRACE, 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 "Wartrace 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 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."<sup>1</sup>

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

**Section 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

**Section 7. Reproduction and amendment of code.** The municipal code shall be reproduced in loose-leaf form. The 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.

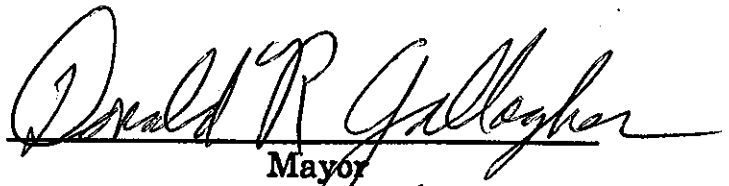
**Section 9. Code available for public use.** A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

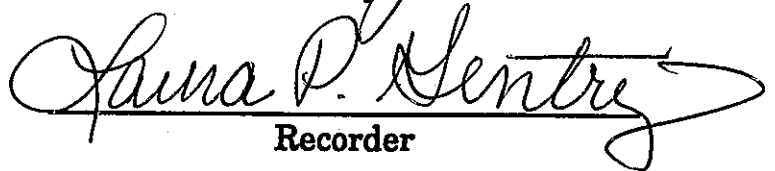
**Section 10. Date of effect.** This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, SEPTEMBER 13, 1999.

Passed 2nd reading, OCTOBER 18, 1999.

Passed 3rd reading, NOVEMBER 16, 1999.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder