

**THE  
LENOIR CITY  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

March 1997

Change 3, January 14, 2013

**CITY OF LENOIR CITY, TENNESSEE**

**MAYOR**

Tony R. Aikens

**VICE MAYOR**

Harry Wampler

**COUNCILMEN**

Mike Henline  
Douglas Hines  
Bobby Johnson, Sr.  
James Shields  
Eddie Simpson

**RECORDER/TREASURER**

James W. Wilburn, III

## Preface

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting *specific chapters or sections of the code (see section 8 of the adopting ordi*

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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

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

Steve Lobertini  
Codification Specialist

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

Sec. 10. Be it further enacted, That the duties and powers of the Mayor shall be as follows: He shall...approve, sign, and return all ordinances passed by the City Council before the next meeting thereof; unless he vetoes same, which he has the power to do; and if he vetoes any ordinance, he shall return same to the City Council at its next meeting, with his reason, or reasons, therefor, in writing, and such ordinance shall not become valid unless passed over his veto by the affirmative vote of four of the Aldermen; but if he fails to return an ordinance, with his approval or disapproval, to the next meeting of the City Council after its passage, it shall be valid without his signature.

ORDINANCE NO. 97-1100-B

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE  
CODIFICATION AND REVISION OF THE ORDINANCES OF THE OF CITY  
OF LENOIR CITY, TENNESSEE

WHEREAS some of the ordinance of the City of Lenoir City are obsolete,  
and

WHEREAS some of the other ordinances of the municipality are  
inconsistent with each other or are otherwise inadequate, and

WHEREAS the City Council of the City of Lenoir City, 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 "Lenoir City Municipal Code" now, therefore:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR  
CITY, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the municipality of a  
general continuing, and permanent application or a penal nature, as codified  
and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are  
ordained and adopted as the "Lenoir City Municipal Code," hereafter referred to  
as the "Municipal Code."

Section 2. Ordinances repealed. All ordinances of 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  
municipality or authorizing the issuance of any bonds or other evidence of said  
municipality's indebtedness; any budget ordinance; any ordinance related to  
purchasing; any contract or obligation assumed by or in favor of said  
municipality; any ordinance establishing or authorizing the establishment of a  
social security system or providing or changing 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 municipality; any ordinance dedicating,  
naming, establishing, locating, relocating, opening, closing, paving, widening,  
vacating, etc., any street or public way; any ordinance providing local  
improvements and special assessments therefor; any ordinance dedicating or  
accepting any plat or subdivision; any prosecution, suit, or other proceeding  
pending or any judgement 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 municipality.

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 terms appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violations of the municipal code continues shall constitute a separate civil offense.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The city council, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the dates and 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 1<sup>st</sup> reading February 10, 1997

Passed 2<sup>nd</sup> reading February 24, 1997

Passed 3<sup>rd</sup> reading March 24, 1997



Charles T. Eblen, Mayor



Debbie Cook, Recorder-Treasurer

TITLE 1

GENERAL ADMINISTRATION<sup>1</sup>

CHAPTER

1. GOVERNING BODY.
2. MAYOR.
3. RECORDER - TREASURER.
4. CITY ADMINISTRATOR.
5. CODE OF ETHICS.

CHAPTER 1

GOVERNING BODY<sup>2</sup>

SECTION

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

1-101. Time and place of regular meetings. The governing body shall hold regular monthly meetings at 7:00 P.M. on the second and fourth Mondays of each month and regular monthly work sessions at 7:00 P.M. on the third Wednesday of each month at the city hall. (1963 Code, § 1-101, modified, as amended by Ord. #97-12-08-1147, Dec. 1997)

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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

Governing authority: § 7.

Elections: § 8.

Oath of office required of city council: § 8.

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

- (1) Call to order.
- (2) Roll call.
- (3) Invocation and pledge (Please remain standing for the Pledge of Allegiance).
- (4) Amendments, changes, approval to minutes of previous meeting.
- (5) Communication from the mayor.
- (6) Reports from city council, committees (fire, police, finance reports) and other officers.
- (7) Comments from citizens concerning an item/items on the agenda (time limits may be imposed.)

AGENDA:

- (a)
- (b)
- (c)
- (8) Comments from citizens on items not on the agenda (time limits may be imposed).
- (9) Such other business that may properly come before council.
- (10) Adjournment. (1963 Code, § 1-102, modified, as amended by Ord. Page 1998-11-23-1215, Nov. 1998, and Ord. #2002-7/22-1480, July 2002)

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 governing body 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. (1963 Code, § 1-103)

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-201. Generally supervises city's affairs. The mayor shall perform such duties as provided in the charter and any ordinances duly enacted by the city council consistent with the charter. (1963 Code, § 1-201, modified)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the governing body. (1963 Code, § 1-202)

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<sup>1</sup>Charter references

Governing authority; qualifications of members; quorum: § 5.

Elections; vacancy in office of city council; qualifications for voting:  
§ 7.

Oath of office required of city council; meetings of council; salaries of  
officials elected by council; policemen; sureties on bonds; city  
recorder; city treasurer: § 8.

Mayor: § 10.

## CHAPTER 3

RECORDER - TREASURER<sup>1</sup>

## SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The recorder-treasurer shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the city council. (1963 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the city council and shall preserve the original copy of all ordinances in a separate ordinance book. (1963 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform such other duties as provided in the charter or required by the city council, which are not assigned by the charter, this code, or the city council to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (1963 Code, § 1-303, modified)

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<sup>1</sup>Charter references

City recorder; city treasurer: § 8.

City recorder and judge: § 11.

City treasurer: § 14.

## CHAPTER 4

CITY ADMINISTRATOR

## SECTION

- 1-401. Appointment, salary, removal.
- 1-402. Qualifications.
- 1-403. Powers and duties.
- 1-404. Absence.
- 1-405. Removal.

1-401. Appointment, salary, removal. The city council shall appoint and fix the salary of the city administrator, who shall serve at the will of the council. The personnel committee of the city council shall establish the experience and/or educational qualifications for the position of city administrator. After approval of such qualifications by city council, the personnel committee shall advertise the position, interview applicants and recommend an individual for the position to the city council. The city council may enter into an annual employment contract with the city administrator. Neither the mayor nor any member of the city council shall be eligible for appointment as city administrator until two (2) years has elapsed after such member shall have ceased to serve in such position. (Ord. adopted July 1994)

1-402. Qualifications. (1) Must have valid driver's license in the State of Tennessee.

(2) Membership certificate in Tennessee City Manager Association, or obtain a membership within one year.

(3) A bachelors degree in public administration or related field. Desired to have three (3) to five (5) years administrative municipal experience.

(4) Must pass a drug screen by a licensed physician. (Ord. adopted July 1994)

1-403. Powers and duties. The city administrator shall be the chief administrative officer of the city. The city administrator shall be responsible to the city council for the administration of all city affairs placed in his/her charge. The city administrator shall have the following powers and duties:

(1) To perform all duties and responsibilities of the city administrator under the civil service and personnel policies of the city.

(2) To direct and supervise the administration of all departments of the city, except as otherwise provided in the city charter or by law.

(3) To attend all council meetings or other, at which the city administrator shall have the right to take part in discussions but not to vote.

(4) To see that all laws, ordinances, provisions of the city charter and acts of the council, subject to enforcement by the city administrator or by employees subject to his/her direction and supervision, are faithfully executed.

(5) To participate in the preparation of the annual budget and capital program of city.

(6) To submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(7) To make such other reports as the council may require concerning the operations of city which are under the city administrator's direction and supervision.

(8) To keep the council fully advised as to the financial condition and future needs of the city and make such recommendation to the council concerning the affairs of the city as he/she deems desirable.

(9) To act as purchasing agent for the city.

(10) To perform such other duties as are delegated by the council.

(11) Ability to establish and maintain an effective working relationship with the public, employees, and city council. (Ord. adopted July 1994)

1-404. Absence. The city council may designate an officer or employee of the city as acting city administrator for the purpose of carrying out the duties and responsibilities of the position of city administrator in the event of a vacancy in the position or the temporary absence or disability of the city administrator. (Ord. adopted July 1994)

1-405. Removal. The city administrator shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any city election. The purpose of this provision is to allow any newly elected or appointed member of the city council to observe the actions and ability of the city administrator in the performance of the powers and duties of his/her office. After the expiration of said ninety (90) day period aforementioned, the city administrator may be removed only by a majority vote of the city council as then constituted. (Ord. adopted July 1994)

## CHAPTER 5

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-501. Applicability.
- 1-502. Definitions of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in nonvoting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations.
- 1-512. Notification.
- 1-513. Interlocal agreements.

**1-501. Applicability.** This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words

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

- (1) Campaign finance - T.C.A. Title 2, Chapter 10.
- (2) Conflict of interests - T.C.A. §§ 6-54-107, 108; 12-4-101, 102.
- (3) Conflict of interests disclosure statements - T.C.A. § 8-50-501 and the following sections.
- (4) Consulting fee prohibition for elected municipal officials - T.C.A. §§ 2-10-122, 124.
- (5) Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T.C.A. § 39-16-101 and the following sections.
- (6) Crimes of official misconduct, official oppression, misuse of official information - T.C.A. § 39-16-401 and the following sections.
- (7) Ouster law - T.C.A. § 8-47-101 and the following sections.
- (8) A brief synopsis of each of these laws appears in the appendix of the municipal code.

"municipal" and "municipality" include these separate entities. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-502. Definitions of "personal interest."** (1) For purposes of §§ 1-503 and 1-504, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-503. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse him/herself from voting. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-504. Disclosure of personal interest in nonvoting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse him/herself from the exercise of discretion in the matter. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-505. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his/her action, or reward him/her for past action, in executing municipal business. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-506. Use of information.** (1) An official or employee may not disclose any information obtained in his/her official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his/her official capacity or position of employment with the intent to result in financial gain for him/herself or any other person or entity. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-507. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to him/herself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-508. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his/her position to secure any privilege or exemption for him/herself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-509. Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-510. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than a violation of this code of ethics. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-511. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-512. Notification.** The city recorder is authorized and directed to notify in writing the Tennessee Ethics Commission that the City of Lenoir City has adopted the Municipal Technical Advisory Service's model code of ethics. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-513. Interlocal agreements.** The city manager is authorized and directed to notify the governmental entities that have entered into an interlocal agreement with the City of Lenoir City of the adoption of this chapter and prepare in cooperation with appropriate representatives of these governmental

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entities the requisite amendments to the respective interlocal agreements. (as added by Ord. #2007-05-14-1773-A, May 2007)

## TITLE 2

BOARDS AND COMMISSIONS, ETC.

## CHAPTER

## 1. BOARD OF PARKS AND RECREATION.

## CHAPTER 1

BOARD OF PARKS AND RECREATION

## SECTION

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

2-102. Powers and duties of the board.

2-103. Director of parks and recreation - qualifications.

2-104. Powers and duties of the director.

2-105. Park rules and regulations - in general.

2-106. Permits.

2-107. Prohibited uses.

2-108. Regulated uses.

2-109. Regulation of vehicles.

2-110. Enforcement of park rules and regulations.

2-101. Creation, membership, appointments, terms and vacancies. There is hereby created the Lenoir City Board of Parks and Recreation, hereinafter called the "board". The board shall consist of seven (7) members who shall serve without compensation, with one member being appointed from the city council. Said board shall be appointed by the city council from recommendation of the Director of Parks and Recreation. Said members shall serve for terms of five (5) years each, provided that the first members appointed shall serve for terms of 1, 2, 3, 4, and 5 years, respectively. Any vacancy due to any cause other than an expiration of term shall be filled for the unexpired term.

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

(1) The board shall formulate policies and procedures for the operation of the park and recreation system of the City of Lenoir City.

(a) Unless otherwise denoted, the term "park" shall apply to all parks, playgrounds, athletic fields, tennis courts, swimming pools, community centers, and other recreational areas now owned or hereafter acquired or developed by the City of Lenoir City.

(b) All individual citizens, civic clubs, committees, businesses, special interest groups, charitable organizations or any other entity desiring to use park properties or facilities for any purpose shall seek

approval through the department of parks and recreation prior to beginning the activity or event. Any requests that the Director of Parks and Recreation feels should be brought before the board shall be added to the next meeting agenda for the board's consideration. This approval process shall also apply to those organizations with existing or continuing programs, activities, or permissible permanent structures within park properties when these organizations develop, expand, modify, discontinue, or otherwise significantly affect the appearance or usage of park property.

(2) It shall recommend to the city administrator of the City of Lenoir City, subject to the provisions of this chapter and within its budget appropriation, the employee positions it deems advisable.

(3) It shall review, approve, reject or amend the annual budget requests compiled by the director to be forwarded to the Budget Committee of the City of Lenoir City.

(4) It shall recommend to the city council the sale or purchase, development and usage of any lands desired to be acquired or disposed of, now owned or used by the Lenoir City Parks and Recreation.

(5) It shall have the authority to establish the fees and charges, if any, within the administration of the parks and recreation department subject to final approval of the city council.

(6) Duties of officers. (a) Chairman: The chairman shall preside at all meetings of the board and shall call special meetings of the board on the chairman's own motion or on request of two or more members. The chairman shall vote only to break a tie on all matters coming before the board.

(b) Vice-chairman: The vice-chairman shall preside at any meeting of the board when the chairman is not present. This person shall assume any other duties as set forth by the chairman.

(c) Secretary: The secretary need not be a member of the board. The secretary will have:

(i) the responsibility of preparing the agenda and minutes of all meetings, and will cause a copy of same to be mailed or delivered to each member of the board prior to the subsequent meeting;

(ii) the responsibility to conduct the official correspondence of the board; and

(iii) the responsibility to keep all official records of the board.

(7) Election of officers. All officers shall be elected annually at the regular meeting each January. Their term of office shall be for one (1) year.

No board member shall be directly or indirectly involved in any contract work of any nature connected with the parks and recreation department.

(8) Board meetings. (a) The board will meet regularly.

(b) Special meetings may be called by the chairman by his own motion, or by the request of any two board members.

(c) All regular and special meetings of the board will be open to the public.

(d) Individuals or groups desiring to petition the board for some specific action should present their request in writing to the board secretary no later than two weeks prior to the meeting. Petitioning party may also appear in person at the meetings to make an oral presentation.

(e) The director and appropriate staff will be present at all meetings of the board.

(f) Minutes of all board meetings will be available for review during regular office hours at the Lenoir City City Hall.

(9) Minutes. All proceedings of the board shall be in typed form and filed in a permanent book of records open to public inspection at all reasonable and proper times.

(10) Quorum. A majority of the duly appointed board members shall constitute a quorum.

(11) Voting. The ayes and nays will be taken upon the passage of all board matters. All votes will be entered upon the minutes of the meeting. The act of a majority of members present at the meetings, at which a quorum is present, will be the official act of the board. The chairman will vote only to break a tie.

(12) Committees. (a) The board shall establish committees to investigate and review certain matters under consideration by the board.

(b) The chairman, with the approval of the board, shall annually establish certain standing committees. In addition, the chairman may appoint, with board approval, certain special committees with a specific purpose. The chairman, with board approval, shall appoint to the committee the number of members deemed appropriate, and shall name one member as committee chairman. All board members, the board officers, and the director of parks and recreation shall serve as ex-officio members of all committees. The chairman may also ask the director to provide a parks & recreation staff member to assist the committee.

(c) Generally, a committee is not authorized to take any action; it is responsible for submitting reports, either written or oral, to the board and shall recommend that action be taken by the board.

(d) The chairman may appoint non-board members to certain special advisory committees, to provide technical assistance and to advise on special programs and/or activities.

2-103. Director of parks and recreation - qualifications. The director of parks and recreation shall have adequate training or experience in parks and recreation administration.

2-104. Powers and duties of the director. The director shall be the chief administrative officer in charge of the management of public parks, playgrounds, and other recreational areas, and of a comprehensive recreational program for the area of the City of Lenoir City. He shall administer the policies of the park board, recommend rules, regulations and fees/charges to the board for its consideration.

2-105. Park rules and regulations - in general. Copies of park rules and regulations shall be posted in each park location and are presumed to be known and understood by all park users. Also, no person shall in any park disobey the lawful and reasonable order of a police officer or park employee in the discharge of his duties, or disobey or disregard the notices, prohibitions, instructions, or directions posted within the park or park facility. Park rules and regulations contained in this section shall apply as follows:

(1) To anyone performing an act in direct violation of a rule, including anyone who causes, solicits, conspires, or in any way aids in the violation of a rule; or

(2) To anyone who allows or otherwise fails to curtail actions of a minor which violate a rule or regulation; or

(3) To anyone in a supervisory capacity over a group of people who have entered the park premises, with or without proper approval, for any and all actions of the group which violate park rules and regulations.

2-106. Permits. (1) A "permit" under this section means any authorization issued by, or under the authority of the park board for a specified park privilege permitting the performance of a specified act in the park.

(2) Any activity or use regulated by these rules pursuant to § 2-108 may be performed under a permit obtained from either the park board or the park director.

(3) Any activity or use which is specifically prohibited by these rules pursuant to § 2-107 may be performed under a permit obtained from the park board after the park board has determined that there is an obvious or beneficial community purpose in allowing the activity or use.

2-107. Prohibited uses. The following uses are prohibited:

- (1) Vandalism of any park structures or grounds;
- (2) Littering, including placing household garbage in park receptacles;
- (3) Sound truck advertising;
- (4) Disorderly conduct;
- (5) Fireworks and firearms;
- (6) Injuring, harassing, or feeding animals;
- (7) Consuming alcoholic beverages and possession of illegal drugs;
- (8) No piloted aircraft;
- (9) No dogs on trails;

(10) No bikes on trails (except for greenways), or in spectator or bleacher areas during practice or games.

2-108. Regulated uses. The following uses are subject to permit or other restriction:

(1) Permits must be obtained to reserve park facilities, use park property for any prohibited use, or when otherwise required by this subsection.

(2) No golf permitted except in designated areas.

(3) Placing posters and signs is not allowed except by permit.

(4) Selling of any merchandise is not allowed except through the concession stands or by permit.

(5) Building of fires is not allowed except in grills and by permit.

(6) Fishing is permitted except where prohibited by signs.

(7) Swimming or wading is not allowed except where permitted by signs.

(8) Skating and skateboarding is permitted except in spectator or bleacher areas during practice or games.

(9) Camping is not allowed except by permit.

(10) Model aviation is permitted except in the vicinity of playing fields and playgrounds which are in use.

(11) Horses are not allowed except where permitted by signs.

(12) All pets must be kept on a leash. Any pet found at large may be seized and impounded by the Loudon County Animal Shelter.

(13) Open forums may be held either by permit or only at designated areas within the park.

2-109. Regulation of vehicles. The following regulations apply to vehicle use in park area:

(1) Regulatory signs must be observed unless directed otherwise by a police officer or park employee.

(2) No person shall drive a vehicle on a street within any park at a speed greater than is reasonable and prudent under the circumstances; however, the maximum speed limit in all parks is fifteen (15) miles per hour unless otherwise posted.

(3) Reckless driving is prohibited.

(4) Motorized vehicles are confined to the roads and parking areas and are not to be driven on any turf or trail unless so directed by a police officer or park employee. No vehicles of any kind, including bicycles, are to be driven on baseball, softball, football fields, tennis courts, or in bleacher or spectator areas when fields are in use.

(5) Only licensed drivers are to operate motorized vehicles inside the park. Driving lessons are prohibited.

(6) Maintenance of vehicles such as changing oil, is prohibited within any park.

2-110. Enforcement of park rules and regulations. Compliance with the rules and regulations of this section may be enforced by police officers of the City of Lenoir City.

## 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.
- 3-103. Popular election, term, salary, etc.

3-101. City judge. (1) The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge.

(2) The city judge shall be named the judge of the community livability court.<sup>2</sup> (as amended by Ord. #2003-8-25-1561-D, Aug. 2003)

3-102. Jurisdiction. (1) Violation of municipal ordinances. 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.

(2) Violation of state laws. The city judge shall also have the authority to exercise jurisdiction concurrent with courts of general sessions in all cases involving the violation of the criminal laws of the state within the corporate limits of the city.

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<sup>1</sup>Charter reference  
City judge: § 11.

<sup>2</sup>Ord. #2003-8-25-1561-C provides:

"The Community Livability Court shall be a division of City Court, and that the appropriate administrative costs for any case before the Community Livability Court at a maximum rate permissible under Tennessee Code Annotated."

3-103. Popular election, term, salary, etc. (1) Popular election. At the next regular judicial election held in accordance with art. VII, § 5 of the Tennessee Constitution, and every eight years thereafter, the city judge shall be elected by the qualified voters of the city for a term of eight years. The city judge shall take office September 1 next following his or her election. However, the office of city judge during the interim period before the next regular judicial election held in accordance to art. VII, § 5 of the Tennessee Constitution shall be filled as follows:

(a) The city council shall appoint a city judge to serve until the next regular August general state election;

(b) At the next regular August general state election that takes place at least thirty (30) days after the effective date of this chapter, the qualified voters of the city shall elect a city judge to serve until the next regular judicial election held in accordance to art. VII, § 5 of the Tennessee Constitution.

(2) Qualifications. The city judge shall be a resident of the City of Lenoir City one year and a resident of Tennessee five years immediately preceding his election, at least 30 years old and licensed to practice law in Tennessee.

(3) Vacancies in office. Vacancies in the office of city judge shall be filled by the city council for the unexpired portion of the term.

(4) Salary. The salary of the city judge shall be established by the city council and may not be decreased during his term.

(5) Benefits. The city pays 100% of the city judge's medical insurance premiums including dependents.

## 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. Fee schedule.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1963 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. At the end of each month he shall submit to the city council a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

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

3-205. Fee schedule. The fees charged in the city court of Lenoir City, Tennessee, shall be the same as the fees authorized by state law to be charged

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.

in the general sessions court for Loudon County, Tennessee. (Ord. #326, Nov. 1982)<sup>1</sup>

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<sup>1</sup>There are two ordinances numbered 326, Nov. 1982, one adopting the fee schedule for the city court and another authorizing the deposit of driver licenses in lieu of bail.

## 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> Only the city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1963 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender 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. (1963 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1963 Code, § 1-505)

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<sup>1</sup>State law reference

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

## CHAPTER 4

BONDS AND APPEALS

## SECTION

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

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

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

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

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days<sup>1</sup> next after such judgment is rendered, Sunday and legal holidays excepted, appeal to the next term of the circuit court upon posting a proper appeal bond. (1963 Code, § 1-509)

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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 the sum of two hundred and fifty dollars (\$250.00), and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable. (1963 Code, § 1-510)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. CIVIL SERVICE.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. INFECTIOUS DISEASE CONTROL POLICY.
5. TRAVEL POLICIES AND PROCEDURES.
6. MISCELLANEOUS PERSONNEL REGULATIONS.

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. Persons not covered.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to provide for all eligible employees and officials of the municipality, 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 municipality shall take such action as may be required by applicable state and federal laws or regulations. (1963 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1963 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1963 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1963 Code, § 1-704)

4-105. Records and reports. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1963 Code, § 1-705)

4-106. Persons not covered. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official not covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city. There is further excluded from this chapter any authority to make any agreement with respect to any position or any employee or official, compensation for which is on a fee basis or any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1963 Code, § 1-706)

## CHAPTER 2

CIVIL SERVICE

## SECTION

## 4-201. Creation.

4-201. Creation. There is hereby created a civil service system for the City of Lenoir City, Tennessee. The rules and regulations for said system are incorporated herein by reference.<sup>1</sup>

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<sup>1</sup>The rules and regulations for the civil service system are available in the recorder's office.

## CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

## SECTION

4-301. Title.

4-302. Lenoir City utility board risk manager designated program director.

4-303. Program standards.

4-304. Effective date of plan.

4-301. Title. This chapter shall be known as the "Occupational Safety and Health Program for the Employees of the City of Lenoir City." (Ord. #20-B, June 1974)

4-302. Lenoir City utility board risk manager designated program director. The City of Lenoir City hereby designates the Lenoir City utility board risk manager, hereinafter referred to as the "director," to establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972, and he is hereby given the authority to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state standards. (Ord. #20-B, June 1974, modified)

4-303. Program standards. This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

1. The director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, plant or other area, workplace or environment where work is performed in the City of Lenoir City; and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment and materials therein, and to question privately any supervisor or employee.

2. The director may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing his findings.

3. The director shall provide for education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same is necessary for said employees to recognize and report safety and health problems as defined in the applicable standards.

4. All employees shall be informed of the policies and the standards set forth by the Tennessee Occupational Safety and Health Act.

5. All employees of the city shall be informed of safety hazards, exposure to toxic or harmful materials and imminent danger situations that may occur in their jobs.

6. The director or his authorized representative shall upon any allegation of imminent danger immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit. If such is the case he or his authorized representative shall report the same to the governing body.

7. Any employee shall be given the right to participate in an investigation or inspection which involves a safety and/or health situation which concerns his work area.

8. The director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.

9. The director shall contact the Commissioner of Labor of the State of Tennessee by telephone in the event of the death of an employee involved in a work-related accident. This notification will be done as soon after the fatality as possible but not to exceed 48 hours.

10. The director shall set up a procedure for requesting a variance from the Tennessee Department of Labor in the event an operation within the city does not meet the standards set by the Occupational Safety and Health Act and immediate action to alleviate the discrepancy is not possible.

11. The director shall establish and maintain a system for collecting and reporting safety and health data required under the Tennessee Occupational Safety and Health Act.

12. The director shall apply this program to employees of each administrative department, commission, board, division or other agency of the City of Lenoir City.

13. The director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of Lenoir City in its Occupational Safety and Health Program.

14. The director shall provide a means whereby any employee may submit a report of what he feels is a safety and/or health hazard to his immediate supervisor and the director without fear of jeopardizing his job or chances for future promotion. Such reports shall be preserved and the action thereon shall be noted on said reports and signed by the director or his designees.

15. In implementing the plan the director shall adopt therein all the words and phrases designated as "definitions" in the Tennessee Occupational Safety and Health Act, promulgated regulations and standards thereunder.

16. The director shall submit said plan to the Tennessee Department of Labor for approval on or before July 1, 1974. (Ord. #20-B, June 1974, modified)

4-304. Effective date of plan. The plan, upon its approval by the Tennessee Department of Labor, shall become effective to the City of Lenoir City

and at that time shall become a part of this chapter as fully and completely as if set out herein. (Ord. #20-B, June 1974)

## CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

## SECTION

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

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

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

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

1. Paramedics and emergency medical technicians;
2. Occupational nurses;
3. Housekeeping and laundry workers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All required tags shall meet the following criteria:

- a. Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.
- b. The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.
- c. All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

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

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

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

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

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

1. Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.
2. Complete the appropriate accident reports and any other specific form required.

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

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

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

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

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

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

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

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

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.

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not

make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

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

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

CHAPTER 5

TRAVEL POLICIES AND PROCEDURES

SECTION

- 4-501. Travel authorization and procedures.
- 4-502. Mode of transportation.
- 4-503. Procurement card purchases.
- 4-504. Expense reimbursement.
- 4-505. Travel advances.
- 4-506. Per diem rates for meals, incidentals and hotels.
- 4-507. Expense reporting.
- 4-508. Modifications.

4-501. Travel authorization and procedures. (1) Travel in excess of fifty (50) miles one way may not be undertaken unless it is done in accordance with the following approval procedures:

(a) Department heads shall notify the city administrator or his designee in advance when traveling out of town on official city business and provide the following information:

- (i) Purpose and location of travel;
- (ii) Period of time expected to be away from the city; and
- (iii) Whether sufficient funds are budgeted for such travel.

(b) Employees shall obtain authorization of their department heads prior to traveling out of town on official business and shall provide the same information as required above. All travel not specifically authorized in the current budget shall be approved in advance by the city administrator or his designee.

(c) Any employee traveling outside of the geographical boundaries of the State of Tennessee shall have their travel approved in advance by the city administrator or his designee. Such approval should be requested at least seven (7) days in advance of the travel date.

(2) Attendance at conferences, conventions and meetings shall be limited to the number of persons necessary to cover the meetings adequately. When traveling, city employees are expected to be conservative as good practices and circumstances permit. Approval to attend conferences, conventions, and meetings shall be made at least one (1) week prior to such meeting by the city administrator or his designee.

(3) A department head shall submit to the city administrator's office a phone number and an address where they can be contacted when they are out of town on business.

(4) Employees are expected to commence the return trip to the city as soon as possible after conclusion of the business, provided that no employee will

be required to travel between the hours of 10:00 P.M. and 7:00 A.M. (as replaced by Ord. #2008-1813-05-12-A, May 2012)

4-502. Mode of transportation. (1) Any travel by public conveyance must be approved in advance by the city administrator or his designee, and reimbursement shall be for the actual cost of fare.

(2) City owned vehicles should be used on all trips subject to their availability and mechanical suitability for the distance involved. The use of a city vehicle should not interrupt or interfere with daily departmental operations. The city will pay the total cost of its vehicle operations and maintenance when used for approved travel.

(3) In cases where an employee chooses to utilize a mode of transportation for which the cost of travel is greater than another customary mode, the city shall reimburse the employee only the amount equal to the cost of the lesser expensive mode of transportation. Travel time, convenience to the city and other unusual circumstances and conditions shall be considered in such instances.

(4) Reasonable taxi fares are allowed from airports. In traveling between hotels or other lodging and meeting or conference sites, reasonable taxi fares will be allowed. No receipt is required for reimbursement of reasonable taxi fares. Reasonable tolls and ferry fees will be allowed when necessary; no receipt is required.

(5) All airline reservations shall be made through the city administrator's office. Airfare will be limited to standard coach fare.

(6) Charges for automobile rental shall not be allowed unless specific authorization has been received in advance from the city administrator or his designee. A rental will be approved only if no other mode of transportation is available to the employee, or if the rental cost is less than other modes of transportation cost. (Example: If the cost of a taxi cab is greater than the automobile rental, then the rental will be approved.)

(7) Employees driving personal vehicles on city business are expected to drive vehicles registered in their name. According to the terms of the city's liability insurance policy, coverage may extend only to incidents involving vehicles registered under an employee's name. (as replaced by Ord. #2008-1813-05-12-A, May 2012)

4-503. Procurement card purchases. (1) The procurement card program has been established to provide a more efficient, cost-effective alternative by which departments can make purchases and travel. The procurement card may greatly reduce the department's need for petty cash and travel advances. The procurement card works similarly to a personal credit card, except the charges are billed directly to the City of Lenoir City and paid by the office of the city treasurer. The procurement card contains the department's name, the phrase "tax exempt" and the tax exempt number.

(2) Procurement card purchases should be made in accordance with travel ordinance 1049-A.

(3) All receipts received by those traveling using a procurement card should be turned in to the travel clerk, along with the "travel voucher" form.

(4) Expense reporting as it pertains to procurement card transactions should be made in accordance with sections IV, VI and VII, travel ordinance 1049-A. (as replaced by Ord. #2008-1813-05-12-A, May 2012)

4-504. Expense reimbursement. (1) Reimbursement for travel by personal vehicles will be paid only for the shortest usually traveled route plus mileage related to official business activity.

(2) The mileage reimbursement for use of personally owned cars shall be at the currently approved IRS rate. Only mileage on official city business may be claimed for reimbursement. Mileage is shown by the official state map (or determined by the city recorder/treasurer's office) and that published by Rand-McNally for out-of-state routes will be regarded as official. Reasonable vicinity mileage will be allowed.

(a) Procedures for calculating mileage are based on the premise that employees will not be reimbursed for normal commuting mileage.

(i) If an employee begins or ends a trip at his/her official station, reimbursable mileage will be the mileage from the official station to the destination.

(ii) If work is performed by an employee in route to or from his/her official station, reimbursable mileage is computed by deducting the employee's normal commuting mileage from the actual mileage driven.

(iii) If an employee begins or ends his/her trip at his/her residence without stopping at his/her official station, reimbursable mileage will be the lesser of the mileage from the employee's residence to his/her destination or his/her official station to the destination. On weekends and holidays, the employee may be typically reimbursed for actual mileage from his/her residence to the destination.

(iv) If an employee travels between destinations without returning to his/her official station or his/her residence, reimbursable mileage is the actual mileage between those destinations.

(3) Reimbursement shall not be made to employees driving personally owned vehicles to their place of employment. However, reimbursement will be paid if a city vehicle is unavailable and employee must use his/her personal vehicle while conducting city-related business.

(4) Emergency out of pocket expenses such as gasoline, oil or other services and emergency repairs will be reimbursed, but must be accompanied

by proper receipt identifying the automobile and itemizing the services. Such expenditures must be of an emergency nature where immediate service is required.

(5) Charges for routine parking while on travel status will be reimbursed. Receipts are required if the parking charge exceeds the allowance stated in the rate schedule.

(6) If travel is by air the employee will be reimbursed for the lesser of:

(a) The allowable mileage reimbursement for one (1) round trip and long-term airport parking; or

(b) The cost of one (1) round trip taxi fare from the employee's official work station (or residence on weekends/evenings). The employee may also be allowed the appropriate mileage reimbursement for two (2) round trips from home when driven by a friend or relative, at the employee's option.

(7) The employee will be reimbursed for actual lodging costs plus tax incurred up to the applicable maximum amounts as indicated on the reimbursement rate schedule. Lodging receipts are required and must itemize room charges and taxes by date. If a convention rate exceeds the maximum reimbursement rate and is documented by a convention brochure or registration form, a higher reimbursement rate will be allowed. Employees are encouraged to share lodging and transportation when traveling to the same destination if appropriate.

(8) The maximum reimbursement rates for out-of-state travel are the same as those maintained by the U.S. General Services Administration for federal employees within the continental United States (CONUS)

(9) Tips are considered a reimbursable expense and should be based upon the level of service, but should not exceed twenty percent (20%). Special situations or contractual requirements exceeding twenty percent (20%) should be processed as an exception. The addition of a tip on a receipt does not constitute an alteration of the receipt.

(10) Employees receiving a monthly car allowance will not be reimbursed for local mileage or trips under fifty (50) miles one way.

(11) Meals for guests during which city business is transacted are allowable expenses, provided they are approved in advance.

(12) City employees (or other representatives or guests of the city) attending certain business meetings or official functions beneficial to the city's interest, and approved in advance by the city administrator's office, shall be reimbursed for expenses related to the event. All expenses must be detailed and properly documented.

(13) Expenditures for personal purchases such as entertainment, cover charges, alcoholic beverages, admission fees, valet services and laundry are not reimbursable.

(14) Employees who routinely travel on city business and meet the eligibility requirements may apply use department issued charge cards. Charges

made with these corporate cards should only involve transactions specially related to city travel, lodging and dining. (as replaced by Ord. #2008-1813-05-12-A, May 2012)

4-505. Travel advances. Travel advances are available under extraordinary circumstances. Advances are subject to approval of accounts and will be allowed only if the employee can justify the existence of an extraordinary circumstance that would warrant an advance.

Travel advances will be issued based upon the total estimated business expenses. Requests for advances must be made at least three (3) working days in advance of departure and must be itemized on an "employee travel advance request" for, (see attached form,) and approved by the department head (for regular employees) and the city administrator or designee (for department heads).

Immediately upon return the employee must submit a request for reimbursement regardless of whether he/she owes advance moneys back to the city or is due additional reimbursement. Each employee receiving a cash advance must sign a payroll deduction authorization form which will allow the city to recover the advance from any salary owed the employee in the event of termination of employment or failure to submit a travel claim. (as added by Ord. #2008-1813-05-12-A, May 2012)

4-506. Per diem rates for meals, incidentals and hotels. (1) The maximum per diem rates include a fixed allowance for meals and incidental expenses (M&I). The M&I rate, or fraction thereof, is payable to the traveler without itemization of expenses or receipts. Incidentals are intended to include miscellaneous costs associated with travel such as tips for baggage handling, phone calls to home, etc.

(2) The per diem rates for meals, incidentals, and hotels are established on the reimbursement rate schedule (see below). The M&I rates for out-of-state travel are the same as those for federal employees, and are available on the General Services Administration's web site, [www.gsa.gov](http://www.gsa.gov). As with lodging, there is a standard rate for the continental United States (CONUS), and a list of exceptions. Cities not appearing below may be located within a county for which rates are listed. To determine what county a city is located in, visit the National Association of Counties (NACO) website (a non-federal website). If neither the city nor the county is listed, the location is a standard CONUS destination with a rate of seventy dollars (\$70.00) for lodging and thirty-nine dollars (\$39.00) for meals and incidental expenses (M&IE).

(3) When traveling to a conference or with a specific group/function, the conference rate will be paid for hotel rooms. In the event that the conference hotel is at capacity and rooms cannot be obtained, a hotel comparable to the conference hotel may be reserved with an allowable cost not to exceed the rate of conference hotel.

(4) Reimbursement for meals and incidentals for the day of departure shall be three-fourths (3/4) of the appropriate M&I rate (either the in-state rate or CONUS rate for out-of-state travel) at the rate prescribed for the lodging location. Reimbursement for M&I for the day of return shall be three fourths (3/4) of the M&I rate applicable to the preceding calendar day. To assist in this calculation, the following table lists partial per diem rates for meals and incidentals for in-state and out-of-state travel.

Primary Destination	County	Max Lodging	+	M&IE Rate	=	Max Per Diem Rate	First & Last Day (75% of M&I)
Brentwood/ Franklin	Williamson	91		49		140	36.75
Chattanooga	Hamilton	85		44		129	33.00
Knoxville	Knox	77		49		126	36.75
Memphis	Shelby	90		49		139	36.75
Nashville	Davidson	107		54		161	40.50
Oak Ridge	Anderson	79		39		118	29.25

(5) Reimbursement for a single meal (or meals) for employees on one (1) day travel status with no overnight stay is not permitted. While on travel status, if more than a single full meal is provided as part of a state-sponsored training session or conference, the employee should deduct the cost of those meals from the per diem for that day (see table below). This also applies to the day of departure and the day of return. In those instances where all meals are provided, only the incidental rate should be claimed. For non-state sponsored training or conferences the employee is not required to deduct from the per diem the cost of a meal or meals provided through a conference fee.

In-State and Out-of-State  
Meals & Incidentals - Allocated by Meal

Per Diem	\$31	\$38	\$39	\$44	\$49	\$54	\$59	\$64
Breakfast	6	8	8	8	9	10	11	12
Lunch	8	10	10	12	13	15	16	18

Dinner	14	17	18	21	24	26	29	31
Incidentals	3	3	3	3	3	3	3	3

(6) Meal allowance for one (1) day trips. A meal allowance is available for one (1) day travel when the duration of the trip is greater than eight (8) hours. For trips lasting longer than eight (8) hours, the reimbursement rate will be seventy-five percent (75%) of the daily rate. For trips lasting greater than twelve (12) hours, the reimbursement rate will be one hundred percent (100%) of the daily rate. No reimbursement is applicable when the duration of a one (1) day trip is less than eight (8) hours.

(7) Local phone calls, fax charges and long distance calls for state business will be reimbursed. Employees must provide a statement furnishing the date, name and location called for long distance calls and fax charges.

(8) Department heads may authorize an employee to use his personal cellular phone in conducting state business. Authorized employees shall be reimbursed for any additional cost incurred in using their personal cellular phones on official business. An itemized statement indicating the date, name, location, and cost of each call plus a billing statement indicating that additional cost was incurred above the standard monthly charge is required for reimbursement. In some instances employees may be able to obtain lower cellular rates by purchasing a package that offers lower per minute rates for a higher threshold of minutes per month. Reimbursement is acceptable for such billing packages subject to review by fiscal officers. In such situations, the state would typically reimburse the employee for a portion of the monthly package used for business calls. (as added by Ord. #2008-1813-05-12-A, May 2012)

4-507. Expense reporting. (1) Claims for travel expenses shall be filed on the standard "travel voucher" forms approved by the recorder's office (see attached form.) Any recovery of the cost of travel by other methods is not allowed. This form must show movement and details of expenses. Receipts must accompany this form and a separate claim for expenses for each claimant is required.

(2) Claims for reimbursement of expenses shall be submitted to the city recorder no later than the fifth (5<sup>th</sup>) day of the following month. Expense checks will be issued no later than the fifteenth (15<sup>th</sup>) day of that month. Employees receiving travel advances must turn in expense reports and any monies due the city by the fifth (5<sup>th</sup>) day of the following month.

(3) Only one (1) request for reimbursement per trip will be accepted; therefore, all reimbursable expenses must be submitted at the same time.

(4) Personal expenses will not be reimbursed. These include, but are not limited to, laundry, hotel valet service, and other types of personal expenses.

(5) All expense reports will be approved in the following manner:

- (i) Department heads will approve all employee expense reports;
- (ii) The city administrator or designee will approve all department head expense reports; and
- (iii) The city recorder will approve the expense reports of the city administrator and council members. (as added by Ord. #2008-1813-05-12-A, May 2012)

4-508. Modifications. The city administrator shall have the power to revoke, modify or make exceptions to any of these rules if deemed necessary in the interest of the city. (as added by Ord. #2008-1813-05-12-A, May 2012)

## CHAPTER 6

MISCELLANEOUS PERSONNEL REGULATIONS

## SECTION

4-601. Time keeping procedures for non-exempt employees.

4-601. Time keeping procedures for non-exempt employees. 1. This section shall apply only to those departments, and their employees, served by a time clock as determined by the city administrator.

2. Upon reporting for work each non-exempt employee in departments served by a time clock shall cause the time clock to enter the time on the time card provided for said employee's use. All employees must report for work and have their time cards appropriately marked as of, or prior to, the designated time for the beginning of said employee's work shift. Said procedure shall be repeated when the employee leaves work for the day. Work time for payroll purposes shall commence at the designated starting time for the shift, or the time at which the employee's time card is marked, whichever occurs last, and shall end at the designated shift ending time, or the time marked on the employee's time card, whichever is earlier, unless excess time reflected on the time card constitutes approved overtime as hereinafter described.

3. Employees authorized to leave the work premises for meals shall cause the time clock to enter the time on their time cards at the beginning of, and again at the end of, the authorized meal period.

4. No employee shall have another employee's time card in his possession, or cause the time clock to enter the time on another employee's time card. No employee shall falsify their time record or allow another employee to punch their time card. Violation of this section shall constitute cause for dismissal of the employee who is found to be in violation.

5. In keeping with the federal law, the city is obligated to pay overtime to non-exempt employees who requested by their responsible supervisor to work, and who do work, more than 40 hours per work week (or the allowed tour of duty for the police and firefighters.) All overtime must be approved in advance by the responsible supervisor.

6. If an employee's time card reflects time in excess of the standard duration of a shift, the responsible supervisor in charge of that employee must place his initials on the time card next to the entry reflecting the excess time, and note whether such excess time, or overtime, was approved or not approved.

7. Employees shall be paid for actual approved overtime worked as reflected by the time card.

8. Any employee who reports for work after the designated starting time shall have such tardiness noted in his personnel file by their responsible supervisor. A time clock entry of a reporting time on an employee's time card

later than the designated starting time shall be considered evidence of such tardiness.

9. If the employee indicates a reason for being late for work, it shall also be noted in the employee's personnel file by the responsible supervisor, if the employee so requests within seven calendar days.

10. Employee shall be subject to discipline for tardiness as follows:

a. Tardy 2 times in a 30 consecutive calendar day period: written reprimand to be placed in employee's personnel file by the department supervisor.

b. Tardy 4 times within a 12 month period: 1 day suspension without pay.

c. Tardy 5 times within a 12 month period: 3 day suspension without pay.

d. Tardy 6 times within a 12 month period: 30 day suspension without pay.

e. Tardy 7 times within a 12 month period: discharge.

11. The absence of an employee from work on any given day shall be duly noted on that employee's attendance record, with an explanation by the responsible supervisor. Said attendance record shall be maintained in the employee's personnel file.

12. Department supervisors shall submit employee time cards to the city recorder on a bi-weekly basis, together with a bi-weekly departmental time summary sheet reflecting the number of hours worked by, and approved for, each employee in the department. (Ord. adopted Feb. 26, 1996)

## TITLE 5

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

## CHAPTER

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

## CHAPTER 1

MISCELLANEOUS

## SECTION

5-101. Official depository for city funds.

5-101. Official depository for city funds. The First National Bank of Lenoir City, Tennessee, First Central Bank of Lenoir City, are hereby designated as the official depository for all city funds. (1963 Code, § 6-501, modified)

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<sup>1</sup>Charter references

City tax book; collection of taxes: § 12.

Property taxes: § 13.

Admissions tax: § 13a.

Delinquent property taxes: § 15.

Merchants' privilege and ad valorem taxes: § 16.

## CHAPTER 2

REAL PROPERTY TAXES<sup>1</sup>

## SECTION

5-201. When due and payable.

5-202. When delinquent; penalty and interest.

5-203. City recorder-treasurer to round off tax bills.

5-201. When due and payable.<sup>2</sup> Taxes levied by the municipality against real property shall become due and payable annually as prescribed in the charter. (1963 Code, § 6-101)

5-202. When delinquent; penalty and interest. All real property taxes shall become delinquent and be subject to penalty and interest in accordance with the provisions of section 15 of the charter.<sup>3</sup> (1963 Code, § 6-102)

5-203. City recorder-treasurer to round off tax bills. The city recorder-treasurer shall "round off" to the nearest dollar tax statements for real and personal property. (Res. dated Aug. 14, 1995)

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<sup>1</sup>Charter reference

Property taxes: § 13.

<sup>2</sup>State law reference

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>3</sup>Charter and state law references

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

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

## CHAPTER 3

PRIVILEGE TAXES

## SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in Chapter 387 of the Public Acts of 1971, and any amendments thereto, known as the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701 et seq.) are hereby enacted, ordained, and levied on the businesses, business activities, vocations, or occupations doing business or exercising a taxable privilege as provided by said act, in Lenoir City, Tennessee, at the rates and in the manner prescribed by the said act. The proceeds of the privilege taxes herein levied shall accrue to the general fund. (1963 Code, § 6-301, as amended by Ord. #18-A, June 1971, modified)

5-302. License required. No person shall exercise any such privilege within the municipality 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. Violations of this section shall be punished under the general penalty provisions of this code of ordinances. (1963 Code, § 6-302, modified)

## CHAPTER 4

WHOLESALE BEER TAX

## SECTION

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1963 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.

Municipal code reference

Alcohol and beer regulations: title 8.

## TITLE 6

LAW ENFORCEMENT<sup>1</sup>

## CHAPTER

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.
3. CITATIONS, WARRANTS, AND SUMMONSES.

## CHAPTER 1

POLICE DEPARTMENT<sup>2</sup>

## SECTION

- 6-101. Policemen subject to chief's orders.  
6-102. Policemen to preserve law and order, etc.  
6-103. Police department records.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1963 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1963 Code, § 1-402)

6-103. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

- (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, convoys, fire calls answered, and other miscellaneous activities of the police department.

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.

<sup>2</sup>Charter reference

Policemen: § 1.

(4) Any other records required to be kept by the city council. (1963 Code, § 1-407, modified)

## CHAPTER 2

ARREST PROCEDURES

## SECTION

6-201. When policemen to make arrests.

6-202. Disposition of persons arrested.

6-201. When policemen to make arrests.<sup>1</sup> Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1963 Code, § 1-404)

6-202. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, with the ranking police officer on duty. If the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

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

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<sup>1</sup>Municipal code reference

Issuance of citation in lieu of arrest in traffic cases: title 15, chapter 7.

## CHAPTER 3

CITATIONS, WARRANTS, AND SUMMONSES

## SECTION

6-301. Citations in lieu of arrest in non-traffic cases.

6-302. Summonses in lieu of arrest.

6-301. Citations in lieu of arrest in non-traffic cases.<sup>1</sup> Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the city council appoints the fire chief in the fire department and the codes enforcement officer in the codes enforcement department special police officers having the authority to issue citations in lieu of arrest. The fire chief in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The codes enforcement officer in the codes enforcement department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances and for violation of the property maintenance regulations adopted in title 13 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated, § 7-63-104.

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

6-302. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201, et seq., which authorizes the city council to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the city council designates the codes enforcement officer in the codes enforcement department to issue ordinance summonses in those areas. These enforcement officers may

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.

not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

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

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-301 above.

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

TITLE 7

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

CHAPTER

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

CHAPTER 1

FIRE LIMITS<sup>2</sup>

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall include all the territory bounded by Hill Street on the east, the Southern Railway on the south, "C" Street on the west and First Avenue on the north, and the Lenoir City park and to the marina area; said marina being the area which is leased to the City of Lenoir City, Tennessee by the United States of America by and through its agency, the Tennessee Valley Authority, which is now sublet to certain operators and is currently known as Fort Loudon Dam Marina. (1963 Code, § 7-101, as amended by Ord. adopted Aug. 24, 1981)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>The significance of the fire limit is that Chapter 30 of the Standard Building Code, applicable to the City of Lenoir City through title 12 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits Hazardous (Group H) occupancies within the fire district. Chapter 4, Section 408 of the Standard Building Code defines Hazardous (Group H) occupancy in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.

CHAPTER 2

FIRE CODES<sup>1</sup>

SECTION

- 7-201. Fire codes adopted.
- 7-202. Available in recorder's office.
- 7-203. Violations and penalty.
- 7-204. Enforcement.
- 7-205--7-207. Deleted.

7-201. Fire codes 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 fire, or for other purposes, the International Fire Code, 2006 edition; NFPA 1-Uniform Fire Code, 2006 edition; and NFPA 101 - Life Safety Code, 2006 edition, as recommended by the International Code Council are hereby adopted and incorporated by reference as a part of this code and are hereinafter referred to as the fire codes. (Ord. #22-A, Sept. 1970, as replaced by Ord. #2000-1-24-1296, Jan. 2000, and amended by Ord. #2008-06-09-1816-A, June 2008)

7-202. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1963 Code, § 7-202, as replaced by Ord. #2000-1-24-1296, Jan. 2000)

7-203. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provisions of the fire prevention 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. (1963 Code, § 7-203, as replaced by Ord. #2000-1-24-1296, Jan. 2000)

7-204. Enforcement. The fire prevention inspector shall be such person as the city council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the fire prevention code as herein adopted by reference. He is authorized and directed to make such inspections as are

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

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. (1963 Code, § 7-204, as replaced by Ord. #2000-1-24-1296, Jan. 2000)

7-205--7-207. Deleted. (as replaced by Ord. #2000-1-24-1296, Jan. 2000)

## CHAPTER 3

FIRE DEPARTMENT<sup>1</sup>

## SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Chief responsible for training.

7-306. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the governing body and such number of physically-fit subordinate officers and firemen as the city council shall appoint. (1963 Code, § 7-301, modified)

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

1. To prevent uncontrolled fires from starting.
2. To prevent the loss of life and property in case a fire does start.
3. To confine fires to the place of origin.
4. To extinguish uncontrolled fires.
5. To prevent loss of life from asphyxiation or drowning.
6. To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1963 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the city administrator. (1963 Code, § 7-303, modified)

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

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<sup>1</sup>Municipal code reference

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

the city council once each month, and at the end of the year a detailed annual report shall be made. (1963 Code, § 7-304, modified)

7-305. Chief responsible for training. The chief of the fire department or his designee, shall be fully responsible for the training of the firemen and, the minimum training shall comply with the standards as adopted by the Tennessee Commission on firefighter standards and education. No firefighter, volunteer or paid, shall have less than 40 hours of in-service training during any year. (1963 Code, § 7-306, modified)

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the state commissioner in the execution of the provisions thereof. (1963 Code, § 7-308, modified)

## CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

## SECTION

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

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

1. The Local Government Emergency Assistance Act of 1987, as amended, codified in Tennessee Code Annotated, § 58-2-601, et seq.<sup>1</sup>

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<sup>1</sup>State law references

Tennessee Code Annotated, § 58-2-601, et seq., as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

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

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

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

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at

(continued...)

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

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(...continued)

the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

<sup>1</sup>State law reference

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

<sup>2</sup>State law reference

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

## CHAPTER 5

FIREWORKS

## SECTION

- 7-501. Manufacture prohibited.
- 7-502. Storage, sale and use restricted.
- 7-503. Use of fireworks restricted.
- 7-504. Special displays; permit required.
- 7-505. Penalty for violation.
- 7-506. Use by railroads, etc.
- 7-507. Exceptions.

7-501. Manufacture prohibited. It shall be unlawful for any person, firm, partnership or corporation to manufacture within the corporate limits of Lenoir City, Tennessee pyrotechnics, commonly known as fireworks, of any kind or description.

7-502. Storage, sale and use restricted. It shall be unlawful for any person, firm, partnership corporation to store or sell in, or ship into the corporate limits of Lenoir City any pyrotechnics, commonly known as fireworks, except those fireworks classed as permissible fireworks in Tennessee Code Annotated, § 68-104-108. The storage and sale of permissible fireworks shall be subject to the following restrictions:

1. The storage and sale of permissible fireworks is permitted only within the C-4 District, as shown on the Zoning Map of Lenoir City, Tennessee, and shall be subject to all conditions and restrictions contained in the Zoning Ordinance of Lenoir City, Tennessee.

2. Any person, firm, partnership or corporation desiring to store and sell fireworks within the corporate limits of Lenoir City shall make application for a permit to do so on forms provided for that purpose. The application shall be accompanied by a non-refundable fee of two hundred fifty dollars (\$250.00). No permit shall be issued to a person under eighteen (18) years of age. All permits shall be for the calendar year or any fractions thereof and shall expire on December 31. A grace period of two (2) days shall be allowed each holder of a permit.

The application shall include the name of the person making application, the firm, partnership or corporation he represents, the business address of both the applicant and the partnership, firm or corporation he represents, the address and description of the premises where the storage and sale of fireworks is contemplated, sales tax numbers and any other information the recorder deems pertinent to aid in the investigation of the application.

The recorder shall refer the applicant to the fire chief who shall interview the applicant and inspect the premises in which the storage and sale of

fireworks is contemplated and make whatever additional investigation of the applicant or premises he deems appropriate to insure that the premises and its operation by the applicant will not constitute a fire, explosion or similar safety hazard. The fire chief shall make a written report of his investigation to the recorder within 72 hours which shall indicate whether the application is approved or denied and shall clearly state the reasons for denial, if applicable. The report may also indicate a qualified approval based on authority which the fire chief shall have to impose reasonable restrictions on the applicant and/or premises.

If the fire chief approves the application the recorder shall issue a permit. If the fire chief approval is qualified, the restrictions and conditions imposed by the chief upon the applicant and/or premises shall be stated in writing in the permit. The permit shall not be transferable to any other person, firm, partnership, corporation or premise.

An applicant denied a permit or whose permit contains conditions and restrictions shall have the right of appeal to the city administrator within fourteen (14) days after denial or the issuance of the permit containing conditions and restrictions by giving the recorder written notice of appeal. Pending appeal by said permit holder whose permit contains conditions and restrictions the permit holder shall abide by any and all conditions and restrictions contained in the permit.

3. Anything in this code to the contrary, no fireworks shall be sold from an automobile or any other vehicle.

4. Placing, storing, location, or displaying of fireworks in any window where the sun may shine through the glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within ten (10) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted with the words "fireworks-no smoking" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers, nor where resin, turpentine, gasoline, or other flammable substance which may generate inflammable vapors is used, stored or sold.

5. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, public school, or within two hundred (200) feet of where fireworks are stored, sold or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people.

7-503. Use of fireworks restricted. It shall be unlawful for any person to fire, set off, shoot, discharge, or otherwise explode any fireworks within the corporate limits of the City of Lenoir City, except that it is permissible for persons to fire, set off, shoot, discharge or otherwise explode fireworks at their residences providing that:

1. The igniting and final firing or exploding is done entirely within the property lines of the person doing the firing;
2. Such firing is not objectionable to or does not create a nuisance insofar as other residences of the neighborhood are concerned; and
3. The fireworks may only be fired, set off, shot, discharged or exploded on a seasonal basis from June 20 through July 5 and from December 10 through January 2.

Streets, roadways, and alleys maintained by the State of Tennessee or the City of Lenoir City and sidewalks adjacent to the property from which fireworks are being exploded or fired are to be construed as outside the property lines of the person exploding fireworks, it being the intent of this chapter to prohibit the use of fireworks on all public streets, roadways, alleys and sidewalks within the City of Lenoir City.

7-504. Special displays; permit required. Nothing in this chapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public displays only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of interstate commerce commission as "Class B special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such display issued by the state fire marshal. Applications for permits for such public displays shall be made in writing at least ten (10) days in advance of the proposed display, and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. The application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of the City of Lenoir City. Permits issued shall be limited to the time specified therein, and shall not be transferable. Possession of special fireworks for resale to holders of a permit for a public fireworks display shall be confined to holders of a distributors permit only.

7-505. Penalty for violation. Any individual violating any provision of this chapter shall be guilty of a misdemeanor punishable pursuant to Tennessee Code Annotated § 68-104-114.

The fire chief of the City of Lenoir City is further authorized to seize any contraband and destroy fireworks which do not comply with the provisions defining allowable fireworks contained in this chapter pursuant to the provisions of Tennessee Code Annotated § 68-104-115.

7-506. Use by railroads, etc. Nothing contained herein shall be construed as prohibiting the railroads or other transportation agencies from the use of fireworks for signal purposes or illumination.

7-507. Exceptions. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of this state or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes only from the state fire marshal, after approval of the county agricultural agency of the county in which said fireworks are to be used and said fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable.

## TITLE 8

ALCOHOLIC BEVERAGES<sup>1</sup>

## CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

## CHAPTER 1

INTOXICATING LIQUORS<sup>2</sup>

## SECTION

- 8-101. Definition of "alcoholic beverages."  
 8-102. Consumption of alcoholic beverages on premises.  
 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.  
 8-104. Annual privilege tax to be paid to the city clerk.  
 8-105. Concurrent sales of liquor by the drink and beer.  
 8-106. Advertisement of alcoholic beverages.

8-101. Definition of "alcoholic beverages". As used in this chapter, unless the context indicates otherwise: "Alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (1963 Code, § 2-101, as replaced by Ord. #2003-6-9-1545-A, June 2003)

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Lenoir City, Tennessee. It is the intent of the mayor and aldermen that

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<sup>1</sup>Municipal code references

Driving under the influence: § 15-104.

Minors in beer places: title 11, chapter 1.

State law reference

Tennessee Code Annotated, title 57.

<sup>2</sup>Charter reference

Intoxicating liquors: § 24.

the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Lenoir City, Tennessee, the same as if said code sections were copied herein verbatim. (as added by Ord. #2003-6-9-1545-A, June 2003)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Lenoir City General Fund to be paid annually as provided in this chapter) upon any person, firm corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Lenoir City on alcoholic beverages for consumption on the premises where sold. (as added by Ord. #2003-6-9-1545-A, June 2003)

8-104. Annual privilege tax to be paid to the city clerk. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Lenoir City shall remit annually to the city clerk the appropriate tax described in § 8-103. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #2003-6-9-1545-A, June 2003)

8-105. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate, or association which has received a license to sell alcoholic beverages in the City of Lenoir City, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding the provisions of § 8-212(3) of the ordinances of the City of Lenoir City, qualify to receive a beer permit from the city upon compliance of all Lenoir City beer permit requirements. (as added by Ord. #2003-6-9-1545-A, June 2003)

8-106. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2003-6-9-1545-A, June 2003)

## CHAPTER 2

BEER<sup>1</sup>

## SECTION

- 8-201. Beer board--establishment, membership, organization, compensation.
- 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. Classes of consumption 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.
- 8-216. Violations.

8-201. Beer board--establishment, membership, organization, compensation. There is hereby established a beer board to be composed of five members nominated by the mayor and appointed by the city council. Such members shall serve for two (2) year terms beginning on June 1st of each odd numbered year. In case of a vacancy the city council shall, at its next meeting, appoint a new member for the unexpired term. No member of the beer board shall be engaged directly or indirectly in the business of selling, storing, distributing or manufacturing beer. Any member becoming so engaged shall automatically forfeit his office and cease to be a member of the beer board.

The beer board shall elect a chairman from among its members.

A new beer board shall be appointed every two years by the city council at its last regular meeting before the term of the old beer board expires. (1963

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<sup>1</sup>Municipal code references

Minors in beer places: title 11, chapter 1.

Tax provisions: title 5.

State law reference

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

Code, § 2-201, as amended by Ord. dated Aug. 23, 1982, modified, and Ord. #2001-5-21-1388-B, May 2001)

8-202. Meetings of the beer board. The beer board shall fix the time and place for its regular meetings. A special meeting may be called by the chairman provided he gives a reasonable notice thereof to each board member. The board may adjourn a meeting at any time to another time and place. All meetings of the beer board shall be open to the public.

The chairman shall also provide notice of special meetings to the mayor, members of city council, the city attorney, the city administrator, the building inspector and the chief of police. The city attorney shall serve as legal counsel for the beer board and shall be present at all of its meetings. (1963 Code, § 2-202, as amended by Ord. dated Aug. 23, 1982, and Ord. #1999-11-22-1287-A, Nov. 1999)

8-203. Record of beer board proceedings to be kept. The city recorder or designee shall keep a complete 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 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. Beer board records shall be kept in the city recorder/treasurer's office. (1963 Code, § 2-203, as amended by Ord. dated Aug. 23, 1982)

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. (1963 Code, § 2-204, as amended by Ord. dated Aug. 23, 1982)

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. (1963 Code, § 2-205, as amended by Ord. dated Aug. 23, 1982)

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. (1963 Code, § 2-206, as amended by Ord. dated Aug. 23, 1982)

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 City of Lenoir City. 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.

Applications shall be submitted to the office of the city recorder/treasurer, which shall immediately distribute copies of said applications to the members of the beer board, the mayor, members of city council, the city administrator, the city attorney, the building inspector and the chief of police.

Along with the application, the applicant shall submit a written statement from a registered land surveyor certifying that the building or site where beer is to be sold does not violate the distance requirements set forth in § 8-211 below. (as amended by Ord. #1999-11-22-1287-A, Nov. 1999)

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 City of Lenoir City, 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. Beer permits for Class 2 on premises consumption shall be limited to 1 permit. 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. Classes of consumption permits. Permits issued by the beer board shall consist of three classes:

1. Class 1 On Premises Permit. A Class 1 On Premises Permit shall be issued for the consumption of beer only on the premises. To qualify for a

Class 1 On Premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- a. be primarily a restaurant or an eating place; and
- b. be able to seat a minimum of thirty people, including children, in booths and at tables, in addition to any other seating it may have; and
- c. have all seating in the interior of the building under a permanent roof; and

In addition, the monthly beer sales of any establishment which holds a Class 1 On premises Permit shall not exceed fifty percent (50%) of the gross sales of the establishment. Any such establishment which for two consecutive months or for any three months in any calendar year has beer sales exceeding fifty percent (50%) of its gross sales, shall have its beer permit revoked.

2. Class 2 On Premises Permit. Other establishments making application for a permit to sell beer for consumption on the premises, which do not qualify, or do not wish to apply for, a Class 1 On Premises Permit, but which otherwise meet all other regulations and restrictions in this chapter, shall apply for a Class 2 On Premises Permit.

3. Class 3 Off Premises Permit. An off premises permit shall be issued for the consumption of beer only off the premises. To qualify for an off premises permit, an establishment must, in addition to meeting the other regulations in this chapter:

- a. be a grocery store or a convenience type market; and
- b. in either case, be primarily engaged in the sale of grocery and personal and home care and cleaning articles, but may also sell gasoline.

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. A permit will not be issued authorizing the manufacture, the storage of beer, or the sale of beer within three hundred (300) feet of any hospital, school, church or other place of public gathering, except for an establishment that holds a valid permit for the sale of liquor or wine from the Alcoholic Beverage Commission, which shall not be subject to the distance requirements under this paragraph. The distance shall be measured in a straight line<sup>1</sup> from the nearest point of the building from which the beer will be

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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  
(continued...)

manufactured, stored, or sold to the nearest point of the main structure of a hospital, school, church or other place of public gathering. In the event that an applicant's establishment is located in a strip-center, then the point of measurement shall be from the closest point of occupied space to the nearest point of the main structure of a hospital, school, church or other place of public gathering. (as replaced by Ord. #2003-7-14-1550-A, July 2003, and amended by Ord. #2003-7-14-1550, July 2003)

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. 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 3:00 A. M. and 8:00 A.M. during Monday through Saturday and may not be sold on Sundays between the hours of 3:00 A.M. and 10:00 A.M.
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. Deleted.
9. Allow pool or billiard playing in the same room where beer is sold and/or consumed without a Class 1 On Premises Permit or a Class 3 Off Premises Permit.

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measurement.

10. Fail to provide and maintain separate sanitary toilet facilities for men and women. (as amended by Ord. #2003-6-9-1545, June 2003, and Ord. #2005-10-24-1711-C, Oct. 2005)

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.

8-216. Violations. Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty clause of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

## TITLE 9

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

## CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. MOTION PICTURE FILMS AND VIDEO CASSETTES.
3. CABLE TELEVISION.
4. TAXICABS.

## CHAPTER 1

PEDDLERS, SOLICITORS, ETC.<sup>2</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 city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place,

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

<sup>2</sup>Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-501.

or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

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

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

(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 Loudon 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 city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor<sup>1</sup>" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of

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<sup>1</sup>State law references

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

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

selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to 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 city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

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

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

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

(d) The names and permanent addresses of each person who will make sales or solicitations within the city.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or

solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

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

(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 recorder shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit.

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, or solicitor for subscriptions shall:

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

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

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

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

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

9-106. 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.

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 city council. The permit issued to any person or organization under this chapter may be suspended or revoked by the city council, 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.

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 city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

9-110. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable 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

MOTION PICTURE FILMS AND VIDEO CASSETTES

## SECTION

9-201. Definitions.

9-202. Rental or sale of material to minors.

9-203. Display of material.

9-204. Violations.

9-201. Definitions. Definition of terms as used herein shall be as follows:

(1) "Minor" means any person who has not reached the age of eighteen (18) years;

(2) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state;

(3) "Person" shall include the singular and the plural and shall mean and include any individual, firm, partnership, co-partnership, association, corporation, or other organization or other legal entity, or any agent or servant thereof, but shall not include libraries or educational institutions;

(4) "Rating" means the rating standards promulgated by the Classification and Rating Administration of the Motion Picture Association of America;

(5) "Rental" means the loan for monetary consideration. (Ord. #443, July 1985)

9-202. Rental or sale of material to minors. It shall be unlawful for any person to rent or sell to a minor any "R" or "X" rated motion picture film or video cassette. (Ord. #443, July 1985)

9-203. Display of material. It shall be unlawful:

(1) To display for rental or sale any "X" rated motion picture film or video cassette in any area or by any method accessible to minors, or

(2) To display, cause, or permit to be displayed at a height less than five and one half (5½) feet above the floor for rental or sale in any store, or similar place, any motion picture film package, box or container or video cassette package, box or container which exhibits nudity on said package, box or container.

(3) Each such motion picture film package, box, or container or video cassette package, box, or container displayed in violation of this section shall constitute a separate offense. (Ord. #443, July 1985)

9-204. Violations. Violation of any of the provisions of this chapter shall be a misdemeanor and punished according. (Ord. #443, July 1985)

## CHAPTER 3

CABLE TELEVISION

## SECTION

9-301. To be furnished under franchise.

9-301. To be furnished under franchise. Cable television shall be furnished to the City of Lenoir City and its inhabitants under franchise granted to Loudon County Cable TV, Inc. by the city council of the City of Lenoir City, Tennessee. The rights, powers, duties and obligations of the City of Lenoir City and its inhabitants are clearly stated in the franchise agreement executed by, and 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. #44c dated Nov. 1975 in the office of the city recorder.

## CHAPTER 4

TAXICABS

## SECTION

9-401. Definitions.

9-402. Taxicab permit and business license required.

9-403. Procedure for applications for and issuance of permits.

9-404. Insurance or bond required.

9-405. Violations.

9-401. Definitions. The term "taxicab" when used in this chapter shall mean every motor vehicle designed and/or constructed to accommodate and transport passengers not more than five in number, exclusive of the driver, and fitted with taxi meters and/or using or having some other device, method or system to indicate and determine the passenger fare charged for distance traveled.

9-402. Taxicab permit and business license required. It shall be unlawful for any person to engage in the taxicab business or to operate a taxicab upon the streets for the City of Lenoir City unless the owner has first obtained a permit for each vehicle to be operated upon the streets of the City of Lenoir City and has a currently effective business license.

9-403. Procedure for applications for and issuance of permits. Application for taxicab permits shall be made under oath and in writing to the city recorder. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of taxicabs the applicant desires to operate on the streets of the City of Lenoir City, the makes and models of said taxicabs and such other pertinent information as the city recorder may require. Upon compliance of the applicant with the other provisions of this chapter, the city recorder shall issue duplicate permits for each taxicab listed on the application, which permits shall be at all times in the possession of the operator of such taxicabs and shall be exhibited upon request of the law enforcement officers of the city.

9-404. Insurance or bond required. No permits shall be issued or continued in operation unless and until the owner or owners of a taxicab or taxicabs have filed with the city recorder for each and every such taxicab a surety bond issued by some insurance or surety company authorized to do business in the State of Tennessee in the sum of \$350,000.00 agreeing to pay any final judgment rendered against the owner or operator of such taxicab on account of injury or death to any person or persons or damage to property.

The owner or owners of a taxicab or taxicabs may in lieu of such bond file with the city recorder a policy or policies of liability insurance issued by a public liability insurance or surety company authorized to do business in Tennessee covering each and every taxicab for which a permit is requested with limits of not less than \$130,000.00 because of bodily injury or death of one person and \$350,000.00 because of bodily injury or death to two or more persons in any one accident and \$50,000.00 because of injury or of destruction of property or other in any one accident. Said insurance policy shall also provide for the payment of medical expenses for persons injured by accident while occupying said taxicab or taxicabs or entering or alighting from the same or being struck by such taxicabs in the amount of at least \$5,000.00 for each person and \$10,000.00 for two or more persons incurring such medical expenses in one accident.

The insurance policy required by this section shall contain a provision that it shall not be cancelled except at least 20 days after written notice has been given by the insurer to both the insured and the city recorder for the City of Lenoir City.

9-405. Violations. Any owner who allows his taxicabs to be operated upon the streets of the City of Lenoir City without having first complied with this chapter and any taxicab operator who operates a taxicab upon the streets of the City of Lenoir City without having in his possession the permit required herein, shall be guilty of a misdemeanor.

## CHAPTER 4

TAXICABS

## SECTION

- 9-401. Taxicab franchise permit required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Inspection of vehicles.
- 9-408. License and permit required for drivers.
- 9-409. Qualifications for driver's permit.
- 9-410. Revocation or suspension of driver's permit.
- 9-411. Drivers not to solicit business.
- 9-412. Parking restricted.
- 9-413. Drivers to use direct routes.
- 9-414. Taxicabs not to be used for illegal purposes.
- 9-415. Miscellaneous prohibited conduct by drivers.
- 9-416. Transportation of more than one passenger at the same time.
- 9-417. Designation of taxicabs.

9-401. Taxicab franchise permit required. It shall be unlawful for any person, firm, or corporation to operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Lenoir City, without having first obtained a taxicab franchise permit from the municipality and a current effective business license.

9-402. Requirements as to application and hearing. (1) No person shall be eligible to apply for a taxicab franchise if he has been convicted of a felony within the last ten (10) years. All applications for a taxicab franchise shall be made upon a regular form provided for that purpose, which application shall include the name and address of the applicant; the name and address of the proposed place of business; the make, model, vehicle identification number (VIN), and license number of all vehicles proposed to be used in the business; method and style of marking of vehicles; experience of the applicant in the transportation of passengers; certification of the mechanical reliability and cleanliness of the vehicles; certification of liability insurance; and such other pertinent information as may be required on said form, which application shall be sworn to by the applicant and verified by the affidavits of two (2) reputable citizens of the State of Tennessee who are acquainted with the applicant, and said application shall be filed with the recorder.

The recorder shall present the application to the city council with the recommendation of the city administrator to either grant or refuse a franchise to the applicant. The city council after notice thereof is published one (1) time in a local newspaper at least five (5) days prior to the public hearing, shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise may be heard. In deciding whether or not to grant the franchise, the city council shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such taxicab franchise. Notice and a public hearing shall not be required for a renewal application for a taxicab franchise.

(2) No taxicab franchise permits shall be issued for a longer period than one (1) year. The city council may issue a permit for a shorter or probationary period if, in its discretion, it deems proper.

(3) All franchises heretofore issued by the City of Lenoir City shall expire on the 15th day of July, 1997; and in order to obtain a renewal taxicab permit on or before the 30th day of June, 1997, a renewal application shall be filed by the holder of each such taxicab permit; and thereafter such taxicab permits and those hereafter issued shall upon timely and proper application be renewed or other appropriate action taken on or before the 15th day of July in each and every year.

(4) The chief of police shall have authority to issue administrative regulations which are not in conflict with this chapter governing the use and operations of taxicabs.

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy approved by the recorder for all vehicles authorized in the amount of not less than \$130,000.00 for injury to or death of any one person, and \$350,000.00 for injury to or death of any number of persons in one occurrence, and property damage liability insurance in the amount of \$50,000.00 in one occurrence, and a copy of the policy to be on file with the recorder. The insurance policy required by this section shall contain a provision that it shall not be canceled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality.

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

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of Lenoir City unless such taxicab is

equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of the state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. All applications for a taxicab permit shall contain a certificate by the owner that the vehicles will be kept in a condition of repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab.

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall at all times be kept in a reasonably clean and sanitary condition.

9-407. Inspection of vehicles. (1) All taxicabs shall be inspected at least annually to ensure that they comply with the requirements of this chapter. The chief of police will designate the date, time, and by whom the inspections shall be made. The cost of inspections shall be borne by the permit holders.

(2) A police officer is authorized by this chapter to stop a taxicab operating on the streets of Lenoir City when the mechanical appearance of the vehicle so warrants and to inspect said vehicle for compliance with this chapter. If said officer finds the vehicle to be in noncompliance with this chapter, he shall cite the owner and declare the taxicab inoperable, not to operate on streets of Lenoir City until evidence of inspection as provided in 9-407(1) is provided to the chief of police and all defects have been corrected.

9-408. License and permit required for drivers. (1) No person shall drive a taxicab unless he is in possession of a state special chauffeur's license, and a taxicab driver's permit issued by the city recorder.

(2) No driver's permit shall be issued for a longer period than one (1) year. Said driver's permit will be renewable with the franchise date as provided in 9-402(3).

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

(1) Makes written application to the recorder on forms provided for that purpose, which are to be reviewed and recommended by the chief of police.

(2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.

(3) Certifies they are of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.

(4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.

(5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.

(6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses within the ten (10) years immediately preceding the date of application for the driver's permit.

(7) Is familiar with the state and local traffic laws.

All credentials required are to be in possession of the driver while operating a taxicab in the City of Lenoir City. A fee of \$3.00 will be charged for each driver's permit that is issued.

9-410. Revocation or suspension of driver's permit. The city council may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter or when the driver ceases to possess the qualifications as prescribed in section 9-409, or upon recommendation by the chief of police.

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

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not unreasonably to interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished.

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route.

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

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

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

9-417. Designation of taxicabs. Each taxicab shall bear on the outside of each front door an identifying company name, and the word "taxicab" if not part of the company name. The marking shall be of sufficient size to be clearly visible.

## TITLE 10

ANIMAL CONTROL

## CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.

## CHAPTER 1

IN GENERAL

## SECTION

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

10-102. Restrictions on keeping animals or fowl. It shall be lawful to keep any animal or fowl enumerated in the previous section providing there is no objection from any adjoining landowner. It shall be unlawful to continue to keep animals or fowl after receipt of notice from the codes enforcement officer of the filing of a written objection from an adjoining landowner. (as replaced by Ord. #10-13-97-1139, Oct. 1998)

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. (1963 Code, § 3-103)

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. A violation of this section shall subject the offender to a penalty of up to three hundred fifty dollars (\$350) for each offense.

10-105. Keeping in such manner as to become a nuisance prohibited. No animal, fowl or insect shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1963 Code, § 3-105, as amended by Ord. adopted Aug. 13, 1984)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1963 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the city council. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council.

The Loudon County Animal Control shall collect from each person claiming an impounded animal or fowl reasonable fees to cover the costs of impoundment and maintenance. (Ord. adopted Aug. 13, 1984)

10-108. 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 AND CATS

## SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.
- 10-209. Violation and penalty.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies 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.

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

10-203. Running at large prohibited.<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

10-204. 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 confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. A violation of this section shall subject the offender to a penalty of up to three hundred fifty dollars (\$350) for each offense.

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<sup>1</sup>State law reference

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

10-205. 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.

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the 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.

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

10-208. 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>

10-209. Violation and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

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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).

## TITLE 11

MUNICIPAL OFFENSES<sup>1</sup>

## CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. FIREARMS, WEAPONS AND MISSILES.
4. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
5. MISCELLANEOUS.

## CHAPTER 1

ALCOHOL<sup>2</sup>

## SECTION

- 11-101. Drinking alcoholic beverages in public, etc.  
 11-102. Minors in beer places.

11-101. Drinking alcoholic beverages in public, 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.

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. (1963 Code, § 10-222)

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<sup>1</sup>Municipal code references

Animal control: 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).

## CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

## SECTION

11-201. Disturbing the peace.

11-202. Anti-noise regulations.

11-201. 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.

11-202. 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 city authorities.

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

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

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

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

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

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until approval therefor is secured from the city council. Hours for the use of an amplified or public address system will be designated in the approval so issued and the use of such systems shall be restricted to the hours so designated in the approval.

## CHAPTER 3

FIREARMS, WEAPONS AND MISSILES

## SECTION

11-301. Air rifles, etc.

11-302. Throwing missiles.

11-303. Discharge of firearms.

11-301. Air rifles, etc. It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method, except for those facilities that have approval from Lenoir City to conduct approved activities, in the discretion of Lenoir City, and who also carry sufficient insurance to conduct such activities. (1963 Code, § 10-213, as amended by Ord. #2004-02-09-1591, Feb. 2004)

11-302. Throwing missiles. It shall be unlawful for any person to maliciously 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, except for those facilities that have approval from Lenoir City to conduct approved activities, in the discretion of Lenoir City, and who also carry sufficient insurance to conduct such activities. (1963 Code, § 10-214, as amended by Ord. #2004-02-09-1591, Feb. 2004)

11-303. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits, except for those facilities that have approval from Lenoir City to conduct approved activities, in the discretion of Lenoir City, and who also carry sufficient insurance to conduct such activities. (as amended by Ord. #2004-02-09-1591, Feb. 2004)

## CHAPTER 4

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

## SECTION

11-401. Trespassing.

11-402. Interference with traffic.

11-401. Trespassing.<sup>1</sup> (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.<sup>2</sup>

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<sup>1</sup>State law reference

Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, § 39-14-405.

<sup>2</sup>Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

11-402. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1963 Code, § 10-232)

## CHAPTER 5

MISCELLANEOUS

## SECTION

11-501. Abandoned refrigerators, etc.

11-502. Caves, wells, cisterns, etc.

11-503. Posting notices, etc.

11-504. Violations and penalty.

11-501. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such manner that it cannot be opened by any child. (1963 Code, § 10-223, modified)

11-502. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1963 Code, § 10-231)

11-503. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1963 Code, § 10-226)

11-504. Violations and penalty. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of violations on private property. If after such investigation the building inspector finds a violation on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the city court of Lenoir City and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may

- (1) Request the city judge to issue a summons, or
- (2) Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et seq, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (as added by Ord. #2002-7-1480 F, July 2002)

TITLE 12

BUILDING, UTILITY, ETC. CODES<sup>1</sup>

CHAPTER

1. BUILDING AND RESIDENTIAL CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. INTERNATIONAL ENERGY CONSERVATION CODE.
6. INTERNATIONAL PROPERTY MAINTENANCE CODE.
7. EXISTING BUILDING CODE.
8. BOARD OF CODES ENFORCEMENT APPEALS.

CHAPTER 1

BUILDING AND RESIDENTIAL CODE<sup>2</sup>

SECTION

- 12-101. Building codes adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations and penalty.

12-101. Building codes adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code, 2006 edition; and the International Residential

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<sup>1</sup>Title 12, Chapters 5 "Housing Code" and 7 "Unfit Buildings Ordinance" as adopted in the March 1997 Lenoir City Municipal Code, and any amendments thereto, were repealed and the chapters renumbered by Ord. #2009-02-09-1848, Feb. 2009.

<sup>2</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

Code<sup>1</sup>, 2006 edition, as prepared and adopted by the International Code Council, are hereby adopted and incorporated by reference as a part of this code, and are hereinafter referred to as the building codes. (as amended by Ord. #2000-1-24-1296-B, Jan. 2000, Ord. #2008-06-09-1816-A, June 2008, and Ord. #2009-02-09-1848, Feb. 2009)

12-102. Modifications. 1. Definitions. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city council. When the "Building Official" is named it shall, for the purposes of the building code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the building code.

2. Permit fees. The schedule of permit fees can be found in the office of the recorder as Attachment A to Ordinance 2008-06-09-1816-A.

3. For residential structures having an appraised value of \$75,000 or less, the permit fees for owner(s), authorized agents, or contractors; who desire to construct, enlarge, alter, repair, move, demolish, or change an existing residential building by 60%. This subsection shall be repealed one (1) year from the date of third and final reading of this subsection.<sup>2</sup> (as amended by Ord. #2004-01-12-1584, Jan. 2004, and Ord. #2008-06-09-1816-A, June 2008)

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

12-104. Violations and penalty. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of violations on private property. If after such investigation the building inspector finds a violation on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the city court of Lenoir City and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may

1. Request the city judge to issue a summons, or

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<sup>1</sup>Copies of these codes (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

<sup>2</sup>Subsection three (3) of § 12-102 was passed January 12, 2004.

2. Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (as replaced by Ord. #2002-7-1480 F, July 2002)

CHAPTER 2

PLUMBING CODE<sup>1</sup>

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations and penalty.

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 the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code,<sup>2</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference along with the 1995 Lenoir City Utilities Board sewer code amendments as a part of this code and is hereinafter referred to as the plumbing code. (as amended by Ord. #2000-1-24-1296-A, Jan. 2000, and Ord. #2008-06-09-1816-A, June 2008)

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 city council.

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

2. Permit fees. The schedule of permit fees can be found in the office of the recorder as Attachment A to Ordinance 2008-06-09-1816-A. (as amended by Ord. #2008-06-09-1816-A, June 2008)

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

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

12-204. Violations and penalty. 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. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

## CHAPTER 3

ELECTRICAL CODE<sup>1</sup>

## SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations and penalty.
- 12-305. Enforcement.
- 12-306. Fees.

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,<sup>2</sup> 1999 edition, as prepared by the National Fire Protection Association, and/or any subsequent revisions of the National Electric Code as approved and adopted by the State of Tennessee pursuant to the authority granted by T.C.A. §§ 68-17-113, 68-17-143, and 68-17-150 is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (as amended by Ord. #2000-4/24/1313B, April 2000)

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

12-303. Permit required for doing electrical work. No electrical work shall be done within the city until a permit therefor has been issued by the city. 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.

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

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<sup>1</sup>Municipal code reference

Fire protection, fireworks and explosives: title 7.

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

under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. 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.

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

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.

## CHAPTER 4

GAS CODE<sup>1</sup>

## SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalty.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the city. The following definitions are provided for the purpose of interpretation and administration of the gas code.

1. "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the city council.

2. "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

3. "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

4. "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

5. "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers.

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

conform to the requirements of this chapter and to the Standard Gas Code,<sup>1</sup> 1999 edition, which is hereby incorporated by reference along with the 1995 Lenoir City Utilities Board gas code amendments and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (as amended by Ord. #2000-4/24/1312-A, April 2000)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code.

12-404. Bond and license. 1. No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

2. Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

3. Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees.

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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.

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the city council.

12-406. Powers and duties of inspector. 1. The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

2. The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector, and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

3. It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration.

12-407. Permits. 1. No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

2. When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

3. Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system.

12-408. Inspections. 1. A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

2. A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping.

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service.

12-410. Fees. The permit fee schedule as recommended in Appendix "B" of the gas code is hereby adopted.

12-411. Violations and penalty. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be subject to a penalty of up to five hundred dollars (\$500) for each offense, or the license of such person may be revoked, or both fine and revocation of license may be imposed.

CHAPTER 5<sup>1</sup>

INTERNATIONAL ENERGY CONSERVATION CODE<sup>2</sup>

SECTION

- 12-501. Energy conservation code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations and penalty.

12-501. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 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 International Energy Conservation Code<sup>3</sup>, 2006 edition, as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (as amended by Ord. #2008-06-09-1816-A, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-502. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Lenoir City. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the city council shall have appointed or

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<sup>1</sup>Title 12, Chapter 5 "Housing Code" as adopted in the March 1997 Lenoir City Municipal Code, and any amendments thereto, was repealed and the chapters renumbered by Ord. #2009-02-09-1848, Feb. 2009.

<sup>2</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>3</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

designated to administer and enforce the provisions of the energy code. (as renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-503. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-504. Violations and penalty. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of violations on private property. If after such investigation the building inspector finds a violation on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the city court of Lenoir City and answer to them. If the offender refuses to sign the agreement to appear, the building inspector may

1. Request the city judge to issue a summons, or
2. Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et seq, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (as added by Ord. #2002-7-1480-D, July 2002, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

## CHAPTER 6

INTERNATIONAL PROPERTY MAINTENANCE CODE

## SECTION

- 12-601. Property maintenance code adopted.  
12-602. Modifications.  
12-603. Available in recorder's office.  
12-604. Violations and penalty.

12-601. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, 6-54-501 through 6-54-506, and for the purpose of regulating the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, the International Property Maintenance Code,<sup>1</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the property maintenance code. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-602. Modifications. Whenever the property maintenance code refers to the "Chief Appointed Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city council. When the "Building Official" or the "Code Official" is named it shall, for the purpose of the property maintenance code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the property maintenance code. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-603. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-604. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provisions of the property maintenance code as herein adopted by reference. The violation of any section of this chapter shall

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

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be punishable by a penalty of up to fifty-dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

CHAPTER 7<sup>1</sup>

EXISTING BUILDING CODE

SECTION

- 12-701. Existing building code adopted.
- 12-702. Modifications.
- 12-703. Available in recorder's office.
- 12-704. Violations and penalty.

12-701. Existing building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the repair, alteration, change of occupancy, addition, and relocation of existing buildings, the International Existing Building Code,<sup>2</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the existing building code. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-702. Modifications. Whenever the property maintenance code refers to the "Chief Appointed Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city council. When the "Building Official" or the "Code Official" is named it shall, for the purpose of the property maintenance code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the property maintenance code. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-703. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the existing building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provisions of the existing building code as

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<sup>1</sup>Title 12, Chapter 7 "Unfit Buildings Ordinance" as adopted in the March 1997 Lenoir City Municipal Code, and any amendments thereto, was repealed and the chapters renumbered by Ord. #2009-02-09-1848, Feb. 2009.

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

herein adopted by reference. The violation of any section of this chapter shall be punishable by a penalty of up to fifty-dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2008-06-09-1816-B, June 2008, and renumbered by Ord. #2009-02-09-1848, Feb. 2009)

## CHAPTER 8

BOARD OF CODES ENFORCEMENT APPEALS

## SECTION

12-801. Membership and terms.

12-802. Organization.

12-803. Applicable code(s).

12-804. Hearing procedures.

12-805. Appeals to the board.

12-806. Decisions of the board.

12-807. Appeals to court.

12-801. Membership and terms. There is hereby created and established a board of codes enforcement appeals, hereinafter referred to as the "board," which shall consist of seven (7) members appointed by the mayor. All appointed members shall be residents of the City of Lenoir City. Three (3) members shall be appointed initially for two (2) year terms, and four (4) for three (3) year terms, and they may be reappointed at the expiration of their terms. The appointed members shall not be candidates for public office at the time of their appointment, nor shall they be employed by the city. (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-802. Organization. The board shall meet within fifteen (15) days after its appointment and shall elect a chairman from among the appointed members. The elected-chairman shall remain chairman until the expiration of his/her appointed term. A vice-chairman shall also be elected with the duties of assuming the responsibility of the chairman in the latter's absence. The duties of the chairman are to preside over the hearings on appeals to the board, and may vote on all matters. The rules of evidence prevailing in courts of law and equity shall not be controlling on hearings before the board. The building official/codes enforcement officer shall serve as the permanent secretary of the board, but shall not vote on any matter. The board may adopt by-laws, rules and regulations as it may deem necessary to carry into effect the provisions of this chapter. (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-803. Applicable Code(s). The board shall have review authority to hear appeals as prescribed within the following list of applicable codes as adopted by the City of Lenoir City, as updated by ordinance, and/or as prescribed by Tennessee State Law and of which has been placed on file in the recorder's office and shall be available for the use and inspection of the public:

1. International Building Code (IBC) - 2006
2. International Energy Conservation Code (IECC) - 2006

3. International Existing Building Code (IEBC) - 2006
4. International Fire Code (IFC) - 2006
5. International Mechanical Code (IMC) - 2006
6. International Plumbing Code (IPC) - 2006
7. International Property Maintenance Code (IPMC) - 2006
8. International Residential Code (IRC) - 2006
9. NFPA 101 - Life Safety Code - 2006 (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-804. Hearing procedures. The chairman shall call meetings and shall notify all board members of such meetings. The board shall hear appeals in open meetings, of which shall be advertised. The presence of four (4) members shall constitute a quorum and the concurring vote of three (3) members shall be necessary to reverse or modify any order, notice or decision of the building official/codes enforcement officer. The proceedings at such hearing, including the findings and decisions of the board shall be documented in the minutes of the meeting and shall be maintained as a matter of public record in the office of the building official/codes enforcement officer. (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-805. Appeals to the board. Any person directly affected by a decision of the building official/codes enforcement officer or a notice or order issued under the aforementioned applicable codes shall have the right to appeal to the board of codes enforcement appeals, provided that a written application for appeal is filed within twenty (20) days after the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of the referenced code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the referenced code does not fully apply, or the requirements of the referenced code can adequately be satisfied by other means. Within ten (10) days after the receipt of the application for appeal the chairman shall set a time and place for such hearing and shall give the petitioner written notice thereof. The hearing shall commence no later than thirty (30) days after the date of which the petition was filed. (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-806. Decisions of the board. After hearing an appeal, the board shall sustain, modify or withdraw the decision, notice or order depending upon its findings. The board may authorize a variance from the referenced code when, because of unique conditions, a literal enforcement of the provisions thereof could result in a life-safety hazard and unnecessary hardship; provided that the intent of the code will be observed, public health and welfare secured, and substantial justice is done. The board may also extend the time for compliance if the case warrants. If the board sustains or modifies such decision, notice or order, it shall be deemed to be an order of the board and the violator shall

comply with all provisions of such order within the specified length of time. (as added by Ord. #2009-02-09-1848, Feb. 2009)

12-807. Appeals to court. Any person or persons, jointly or severally, aggrieved by the decision of the board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the State of Tennessee. (as added by Ord. #2009-02-09-1848, Feb. 2009)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. ABANDONED VEHICLES.
5. JUNKED VEHICLES.
6. OPEN BURNING.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Litter and overgrown conditions defined.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violations and penalty.
- 13-108. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses.
- 13-109. Littered and/or overgrown property declared nuisances.

13-101. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business.

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes.

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-213(10).

Wastewater treatment: title 18, chapter 2.

13-103. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the codes enforcement officer to cut such vegetation when it has reached a height of over one (1) foot. (as amended by Ord. #97-8-11-1127, § 2, Aug. 1997)

13-104. Litter and overgrown conditions defined.<sup>1</sup> (1) Any premises in the city which is permitted to remain in an unkept condition and to accumulate garbage, rubbish, refuse, or other waste matter, specifically including hazardous materials, dead animals and/or noncompatible material as defined within this chapter or any combination thereof shall be considered to be a "littered condition." A "littered condition" shall further include property which because of accumulated garbage, rubbish, refuse, or other waste matter harbors mosquitoes, rats, vermin, or other harmful animals; emits unpleasant and obnoxious odors; and/or may be considered dangerous or detrimental to the health, safety, or welfare of the citizens of the City of Lenoir City.

Whenever any premises in the city are permitted to remain in an unkept condition upon which any growth of grass, underbrush, or weeds which exceed the height of ten (10) inches in growth, or upon which trees, vines and/or ground covering is not maintained consistently with ordinary neighborhood standards such property shall be considered to be in an "overgrown condition." An "overgrown condition" shall further include any rank vegetable growth which harbors mosquitoes, rats, vermin, or other harmful animals; emits unpleasant and obnoxious odors; and/or may be considered dangerous or detrimental to the health, safety, or welfare of the citizens of the City of Lenoir City.

(2) Deleted.

(3) Designation of public officer or department. The codes enforcement officer of the city shall be responsible for enforcement of the provisions of this title.

(4) Notice to property owner. It shall be the duty of the department or person designated by the city council to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a

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<sup>1</sup>Municipal code reference

Section 13-103 applies to cases where the city wishes to prosecute the offender in city court. Section 13-104 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

This title, chapter 2.

utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-104 of the Lenoir City Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned-up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

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

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

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

(5) The codes enforcement officer shall have the option to use this section, but in the alternative, § 13-107, shall include the language:

Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of a violation on private property. If after such investigation the building inspector finds a violation on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the City Court of Lenoir City and answer the charges against him or them.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

In the event that any offender under this section refuses to sign the ordinance summons agreement to appear in court, the municipal enforcement officer in whose presence the violation is committed may have a summons issued by the clerk of city court or the municipal enforcement officer may seek the assistance of a police or peace officer to witness the violation, who may issue a citation in lieu of arrest for the violation or make an arrest for failure to sign the citation in lieu of arrest, Tennessee Code Annotated, § 7-63-104.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105.

(6) Appeal. Any person who is aggrieved by the determination and order of the public officer under this section may appeal the determination and order to the board of codes enforcement appeals, and according to the procedure, established in title 12, chapter 8 of this municipal code of ordinances.

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

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (as amended by Ord. #97-8-25-1130, Aug. 1997, Ord. #2002-7-1480B, July 2002, and Ord. #2009-02-09-1848, Feb. 2009)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the city and dispose of such animal in such manner as the city shall direct.

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity.

13-107. Violations and penalty. Violations of this chapter shall subject the offender to 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.

13-108. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses. (1) The City Council of the City of Lenoir City hereby designates the codes enforcement officer as having the

authority to issue ordinance summons in the area of sanitation and the codes enforcement officer as having the authority to issue ordinances summons in the area of litter control as provided in Tennessee Code Annotated, sections 7-63-201 through 7-63-204.

(2) Such enforcement officers who witness a violation of any ordinance, law or regulation in those areas in which they have been given the authority to issue ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary; to identify and give the person cited notice of the charge against him and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided for in citation in lieu of arrest in non-traffic cases.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (as added by Ord. #97-8-11-1127, §§ 1 and 2, Aug. 1997)

13-109. Littered and/or overgrown property declared nuisances. The maintenance of any private property in a littered and/or overgrown condition by any person owning, occupying, or in control of such property is hereby declared to be a nuisance. (as added by Ord. #2002-7-1480B, July 2002)

## CHAPTER 2

SLUM CLEARANCE<sup>1</sup>

## SECTION

- 13-201. Findings of city council.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. Appeals of public officer's orders to board of housing appeals.
- 13-207. When public officer may repair, etc.
- 13-208. When public officer may remove or demolish.
- 13-209. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-210. Basis for a finding of unfitness.
- 13-211. Service of complaints or orders.
- 13-212. Enjoining enforcement of orders.
- 13-213. Additional powers of public officer.
- 13-214. Powers conferred are supplemental.
- 13-215. Structures unfit for human habitation deemed unlawful.

13-201. Findings of city council. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

13-202. Definitions. (1) "Municipality" shall mean the City of Lenoir City, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the city council charged with governing the city.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

state relating to health, fire, building regulations, or other activities concerning structures in the city.

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

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

(7) "Structure" shall mean any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as amended by Ord. #97-8-25-1130, § 4, Aug. 1997)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the codes enforcement officer of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the codes enforcement officer.

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or

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

13-206. Appeals of public officer's orders to board of housing appeals. Any person who is aggrieved by the determination and order of the public officer under this chapter may appeal the determination and order to the board of housing appeals, and according to the procedures, established in section 12-502(3) of this municipal code of ordinances. (as added by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-207. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-208. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-209. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Loudon County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one action for debt against more than one or all of the owners of properties against whom said

costs have been assessed and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Loudon County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Lenoir City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-210. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Lenoir City; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-211. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Loudon County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-212. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the

posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-213. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-214. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

13-215. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as renumbered by Ord. #97-8-25-1130, § 5, Aug. 1997)

## CHAPTER 3

JUNKYARDS<sup>1</sup>

## SECTION

- 13-301. Definitions.
- 13-302. Junkyard screening.
- 13-303. Screening methods.
- 13-304. Requirements for effective screening.
- 13-305. Maintenance of screens.
- 13-306. Utilization of highway right-of-way.
- 13-307. Non-conforming junkyards.
- 13-308. Permits and fees.
- 13-309. Violations and penalty.

13-301. Definitions. (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(4) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the city.

13-302. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter.

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<sup>1</sup>Municipal code reference

Refuse and trash disposal: title 17.

13-303. Screening methods. The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen.

13-304. Requirements for effective screening. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the city. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area.

13-305. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the city.

If not replaced within sixty (60) days the city shall replace said screening and shall require payment upon demand. Failure to pay in full shall result in

the fee plus interest to be assessed to the property and shall be combined with the subsequent taxation of the property by the city.

13-306. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition.

13-307. Non-conforming junkyards. Those junkyards within the city and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards shall be subject to the following conditions, any violation of which shall terminate the non-conforming status:

- (1) The junkyard must continue to be lawfully maintained.
- (2) There must be existing property rights in the junk or junkyard.
- (3) Abandoned junkyards shall no longer be lawful.
- (4) The location of the junkyard may not be changed for any reason. If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the city.
- (5) The junkyard may not be extended or enlarged.

13-308. Permits and fees. It shall be unlawful for any junkyard located within the city to operate without a "Junkyard Control Permit" issued by the city.

- (1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The city's fiscal year begins on July 1 and ends on June 30 the year next following.
- (2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.
- (3) All applications for an original or renewal permit shall be made on a form prescribed by the city.
- (4) Permits shall be issued only to those junkyards that are in compliance with these rules.
- (5) A permit is valid only while held by the permittee and for the location for which it is issued.

13-309. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

## CHAPTER 4

ABANDONED VEHICLES

## SECTION

- 13-401. Definitions.
- 13-402. Abandonment of vehicles.
- 13-403. Leaving of wrecked, nonoperating vehicle on street.
- 13-404. Disposition of wrecked or discarded vehicles.
- 13-405. Impounding.
- 13-406. In lieu of impounding.
- 13-407. Disposal of "abandoned motor vehicles."

13-401. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

- (1) "Person" Any person, firm, partnership, association, corporation, company, or organization of any kind.
- (2) "Vehicle" A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, an automobile, truck, trailer, motorcycle, tractor, buggy and wagon.
- (3) "Street or highway" The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (4) "Property" Any real property within the city or any city property within or without the corporate limits which is not a street or highway.
- (5) "Chief of police" The chief of police of the City of Lenoir City or his authorized representative.

13-402. Abandonment of vehicles. No person shall abandon any vehicle within the city or on city property within or without the corporate limits, and no person shall leave any vehicle at any place within the city or on city property within or without the corporate limits for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

13-403. Leaving of wrecked, nonoperating vehicle on street. No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street or highway within the city or on city property within or without the corporate limits, provided, such vehicle may be left at a place operated by the city for dumping and disposal of garbage and rubbish in accordance with the ordinances of the city and the rules and regulations governing such dumping ground.

13-404. Disposition of wrecked or discarded vehicles. No person in charge or control of any property other than city property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on such property longer than thirty (30) days, and no person shall leave any such vehicle on any property other than city property within the city longer than thirty (30) days or on city property within or without the corporate limits for a longer time than forty-eight (48) hours; except that this chapter shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in an lawful place and manner by the city.

13-405. Impounding. The chief of police is hereby authorized to remove or have removed any vehicle left at any place within the city or on any city property within or without the corporate limits which reasonably appears to be in violation of this chapter or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the ordinances of the city; provided, however, that any vehicle left at any place, other than on city property, shall not be removed and impounded as provided herein until the chief of police shall have given written notice to remove said vehicle within ten (10) days of the mailing of such notice and of the intention of the chief of police to remove and impound such vehicle if it has not been removed at the end of such time. Such notice shall be given by:

- (1) affixing notice on such vehicle,
- (2) sending notice by mail to the owner of such vehicle at his last known address if the owner is reasonably ascertainable, and
- (3) by sending notice by mail to the person owning or controlling the property on which such vehicle is located.

The chief of police may enter upon private property at all reasonable hours for the purpose of inspecting such vehicle, posting notice thereon, and removing and impounding such vehicle, and it shall be unlawful for any person to prevent the chief of police from entering on private property for purposes of carrying out his duties hereunder or to interfere with him in the lawful performance of his duties under the provisions of this chapter.

13-406. In lieu of impounding. In lieu of impounding an abandoned vehicle and after an investigation, the municipal enforcement officer finds an abandoned vehicle on private or public property, he shall issue an ordinance summons to be issued to a violator of this section. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to

the same to appear before the City Court of Lenoir City and answer the charges against him or them.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed in any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

In the event that any offender under this section refuses to sign the ordinance summons agreement to appear in court, the municipal enforcement officer in whose presence the violation is committed may have a summons issued by the clerk of city court or the municipal enforcement officer may seek the assistance of a police or peace officer to witness the violation, who may issue a citation in lieu of arrest for the violation or make an arrest for failure to sign the citation in lieu of arrest, Tennessee Code Annotated, § 7-63-104.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (as added by Ord. #2002-7-1480C, July 2002)

13-407. Disposal of "abandoned motor vehicles". "Abandoned motor vehicles" as defined in Tennessee Code Annotated, § 55-6-103, upon impoundment, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated §§ 55-16-103 through 55-16-109. ( as amended by Ord. #2002-7-1480B, July 2002)

## CHAPTER 5

JUNKED VEHICLES

## SECTION

- 13-501. Definitions.
- 13-502. Violations a civil offense.
- 13-503. Exceptions.
- 13-504. Removal or abatement without permission of owner or occupant.
- 13-505. Enforcement.
- 13-506. Appeals to the board.
- 13-507. Decisions by board.
- 13-508. Appeals to court.
- 13-509. Penalty for violation.

13-501. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(b) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on it side, or at other extreme angle), sitting on blocks, or suspended in the air by any other method in combination with any of the preceding conditions.

(viii) General environment in which the vehicle sits, including, but not limited to vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (as added by Ord. #1997-10-13-1139, Oct. 1997)

13-502. Violations a civil offense. It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the traveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle for more than sixty (60) days. (as added by Ord. #1997-10-13-1139, Oct. 1997)

13-503. Exceptions. (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building or screened from view where neither the vehicle nor any part of it is visible from the street or from any other abutting property by means of a fence, rapidly growing trees, shrubbery or other appropriate means. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking, or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, property maintenance and other regulations governing business engaged in wrecking, junking, or repairing vehicles.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city. (as added by Ord. #1997-10-13-1139, Oct. 1997, and amended by Ord. #2002-7-22-1480G, July 2002)

13-504. Removal or abatement without permission of owner or occupant. If such public nuisance is not abated by any person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, and a discarded vehicle remains upon public or private property following the ten (10) days notice, and if no hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located, official action shall be taken by the city to abate such nuisance at the expense of the person in charge or control of the property, if any.

Prior to entry upon private property for the purposes specified in this division, codes enforcement officer or any member of his department designated by him, shall apply to the Lenoir City Municipal Court or any court of competent jurisdiction for any warrant or order necessary for the entry onto private property to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this division. The Lenoir City Municipal Court shall have the authority to issue all orders and warrants necessary to enforce this division.

The codes enforcement officer or any member of his department designated by him, may enter upon private property for the purposes specified in this division to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this division. Any such discarded vehicle shall be impounded at the cost of the owner until lawfully claimed or

disposed of in accordance with Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (as added by Ord. #2002-7-22-1480G, July 2002)

13-505. Enforcement. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building inspector finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the City Court of Lenoir City and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may

- (1) Request the city judge to issue a summons, or
- (2) Request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 *et seq.*, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. (as added by Ord. #1997-10-13-1139, Oct. 1997, as amended by Ord. #2002-7-22-1480G, July 2002)

13-506. Appeals to the board. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the board of housing appeals; provided, that such person shall file in the office of the city recorder a written petition requesting such hearing and setting forth a statement of the grounds therefor within twenty (20) days after the date the notice was served. Within ten (10) days after the receipt of the petition the inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the board shall be commenced not later than thirty (30) days after the date on which the petition was filed; provided that, upon written application of the petitioner to the board, the date of the hearing may be postponed beyond the thirty (30) day period if the petitioner shows good and sufficient reason why it should be postponed. Any notice served automatically becomes an order if a written petition for hearing is not filed in the office of the recorder within twenty (20) days after the notice is served. (as added by Ord. #1997-10-13-1139, Oct. 1997, and renumbered by Ord. #2002-7-22-1480G, July 2002)

13-507. Decisions by board. After hearing an appeal, the board shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and the rules and regulations adopted thereto have been complied with. The board may also modify any notice as to authorize a variance from the provisions of this junked vehicle chapter when, because of special conditions, a literal enforcement of the provisions thereof will result in practical difficulty or unnecessary hardship; provided, that the spirit of the junked vehicle chapter will be observed, public health and welfare secured, and substantial justice done. The board may also extend the time for compliance if the case warrants. If the board sustains or modifies such notice, it shall be deemed to be an order and the violator shall comply with all provisions of such order within the specified length of time. (as added by Ord. #1997-10-13-1139, Oct. 1997, and renumbered by Ord. #2002-7-22-1480G, July 2002)

13-508. Appeals to court. Any person or persons, jointly or severally, aggrieved by the decision of the board, or any taxpayer, or any officer, department, board of bureau of the municipality, may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state. (as added by Ord. #1997-10-13-1139, Oct. 1997, and renumbered by Ord. #2002-7-22-1480G, July 2002)

13-509. Penalty for violations. The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed in any another other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

In the event that any offender under this section refuses to sign the ordinance summons agreement to appear in court, the municipal enforcement officer in whose presence the violation is committed may have a summons issued by the clerk of city court or the municipal enforcement officer may seek the assistance of a police or peace officer to witness the violation, who may issue a citation in lieu of arrest for the violation or make an arrest for failure to sign the citation in lieu of arrest, Tennessee Code Annotated, § 7-63-104.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (as added by Ord. #1997-10-13-1139, Oct. 1997, and replaced by Ord. #2002-7-1480G, July 2002)

CHAPTER 6

OPEN BURNING

SECTION

- 13-501. Definitions.
- 13-602. Compliance with TDEC.
- 13-503. Burn permit policy compliance.
- 13-504. Burn restriction.
- 13-605. Conflict.
- 13-606. Violation.
- 13-607. Enforcement.

13-601. Definitions. (1) "Agricultural purposes" includes growing crops for human or animal consumption or raising livestock for human consumption. It covers property utilized for the construction of tool sheds, barns, or other outdoor storage structures necessary to perform routine farming or homeowner maintenance practices. (Outdoor structures may also be demolished and burned at the owner's discretion so long as the material to be burned is in compliance with state law). Agricultural purposes also includes privately owned forest land requiring routine clearing of brush, thickets, dead trees, etc.

(2) "Established private residence" is a residential dwelling that is occupied full time.

(3) "Open burning" is the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

(4) "Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, agency, authority, commission, department of the United States government, or of the State of Tennessee government, or any other legal entity or their legal representative, agent, or assigns.

(5) "Wood waste" is any product which has not lost its basic character as wood, such as bark, sawdust, chips, and chemically untreated lumber whose "disposition" by open burning is solely to get rid of or destroy. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-602. Compliance with TDEC. All open burning in Lenoir City must comply with the applicable state rules (TDEC Rule/Chapter 1200-3-4). The enforcement of these rules is the responsibility of TDEC. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-603. Burn permit policy compliance. All open burning by any person in Lenoir City must comply with the Lenoir City Fire Department Burn Permit

Policy, which includes Tennessee wildfire laws from the Forestry Division of the Department of Agriculture.

It is illegal for any person to cause, suffer, or allow, or permit open burning of any trash, wood scraps, brush, tree limbs, and/or other materials and debris that are generated by clearing of vacant lots or vacant land for purposes of land development. Open burning for agricultural purposes and open burning on land where there is an established private residence are specifically exempted from this section. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-604. Burn restriction. It is illegal for any person to cause, suffer, allow, or permit open burning of any trash, wood scraps, brush, tree limbs, and/or other materials and debris that are not produced by the land upon which it is burned or substantially used on the property prior to its being burned. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-605. Conflict. In the event a compliance conflict arises between the rules and regulations enumerated in as defined and referenced in §§ 13-602 and 13-603; § 13-603 shall prevail and supercede any and all requirements under TDEC or other Tennessee state law provisions. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-606. Violation. Any violation of this chapter is a Lenoir City ordinance violation and shall be subject to a fine of fifty dollars (\$50.00) per day of violation and up to any and all administrative costs associated with enforcement of this chapter. (as added by Ord. #2007-7-23-1780-A, July 2007)

13-607. Enforcement. The Lenoir City Enforcement Officer, the Lenoir City Fire Department, and the Lenoir City Police Department are hereby authorized and directed to enforce the provisions of this chapter. (as added by Ord. #2007-7-23-1780-A, July 2007)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. LENOIR CITY STREAM BUFFER ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1963 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1963 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1963 Code, § 11-103)

## CHAPTER 2

ZONING ORDINANCE

## SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Lenoir City shall be governed by Ordinance adopted Apr. 28, 1941, titled "Zoning Ordinance, Lenoir City, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance adopted Apr. 28, 1941, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

## CHAPTER 3

LENOIR CITY STREAM BUFFER ORDINANCE

## SECTION

- 14-301. Statutory authorization.
- 14-302. Short title.
- 14-303. Need.
- 14-304. Purpose and intent.
- 14-305. Objective.
- 14-306. Applicability.
- 14-307. Definitions.
- 14-308. Stream buffer width requirements.
- 14-309. Design standards for stream buffers.
- 14-310. Management and maintenance of stream buffers.
- 14-311. Water pollution hazards.
- 14-312. Violations and enforcement.
- 14-313. Appeals.
- 14-314. Conflicts with other regulations.

14-301. Statutory authorization. Under the authority of the Federal Water Pollution Control Act of 1977 (known as the Clean Water Act), the United States Environmental Protection Agency (EPA) is specifically required to develop and oversee the National Pollutant Discharge Elimination System (NPDES) permit program which requires all communities operating a small municipal separate storm sewer system (MS4) to regulate the discharge of pollutants to the waters of the state. Under the authority of the Tennessee Water Quality Control Act of 1977 the Tennessee Department of Environment and Conservation (TDEC) has interpreted that this mandate includes the regulation of aquatic buffers. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-201, delegated the authority to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-302. Short title. This chapter will be known as the Lenoir City Stream Buffer Ordinance. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-303. Need. Stream buffers are naturally vegetated areas that are located along the edge or perimeter of waterways providing a tool for the overall improvement of a stream's water quality and habitat. A properly maintained stream buffer will slow down and spread-out stormwater runoff, and helps to filter sediment, chemicals and other pollutants that can compromise the integrity of a healthy stream. Further, the trees and other vegetation within a

stream buffer provide shade, allowing stormwater runoff that has been heated on roofed and paved areas to cool before reaching the stream. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-304. Purpose and intent. The purpose and intent of this ordinance is to protect and maintain native vegetation in the riparian areas of the aquatic corridor by implementing specifications for the establishment, protection, and long-term maintenance of stream buffers along identified streams, wetlands, and springs in or adjacent to new development, modifications to existing development, and/or redevelopment, except as exempted in § 14-306(2) of this ordinance, within the City of Lenoir City.

With the establishment and management of stream buffers, it is intended to improve overall water quality within the City of Lenoir City; to protect the city's identified waterways from being listed on TDEC's 303(d) list of endangered streams, and to ensure compliance with state and federal regulations.

For additional clarification purposes, waterways is a general term used within this ordinance to include the protection of identified wetlands, natural springs and includes those portions of Town Creek and Muddy Creek located within the corporate limits of the City of Lenoir City.

Exclusions to this ordinance are acknowledged as being man-made features; including detention/retention ponds, water gardens, and/or other man-made water features unique to a particular property. If an existing or man-made feature's exclusionary status is questionable, the stormwater administrator is authorized to request supporting data from the property owner or from other sources to assist in a final determination of which is to be made by the stormwater administrator.

Appeals to the stormwater administrator's final determination shall follow the appeal process identified within § 14-313 of this chapter.

14-305. Objective. It is the objective of this ordinance to protect the physical and ecological integrity of waterways within the corporate limits of the City of Lenoir City from surrounding upland activities. Stream buffers protect such integrity in the following ways:

- (1) Filter excess sediment, organic material, nutrients, and other chemicals;
- (2) Minimize the impact of floods;
- (3) Reduce stormwater runoff velocities;
- (4) Protect channel bank areas from scour and erosion;
- (5) Provide shade for cooling adjacent water;
- (6) Provide leaf litter and large woody debris to support aquatic organisms;
- (7) Protect wetlands;
- (8) Protect wildlife habitats.

Aquatic buffers are most effective when stormwater runoff is flowing into and through the buffer as shallow sheet flow, rather than in a concentrated form. Therefore, it is critical that the design of any development include best management practices to produce the above mentioned effect. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-306. Applicability. This ordinance shall apply to all new developments, modifications to existing developments, and/or redevelopments within the City of Lenoir City.

Exception to this ordinance shall include the following:

(1) Single-family residential lots in existence at the time of adoption of this ordinance.

(2) At time of modification to an existing development and/or redevelopment, the modification cannot encroach closer to the stream top of bank or the floodway than the existing conditions, or per this ordinance, whichever is less.

(3) Development, modifications to existing development, and/or redevelopment which prior to the effective date of this ordinance:

(a) Is covered by a valid, unexpired preliminary plat;

(b) Is covered by a valid, unexpired site plan;

(c) Is covered by a valid, unexpired building permit;

(d) Is covered by a valid, unexpired land disturbance permit.

(as added by Ord. #2010-1-15-1882, Jan. 2010)

14-307. Definitions. For the purpose of this chapter, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "may" is permissive. Any word or term not defined within this title of the Lenoir City Municipal Code or in Chapter 2, Definitions of the Lenoir City Zoning Ordinance shall be construed to be used in this chapter as defined by the latest edition of Webster's Unabridged Dictionary. Any word or term not defined in the city's ordinances or the latest edition of Webster's Unabridged Dictionary shall have the meaning customarily assigned to it.

(1) Aquatic buffer. A strip of undisturbed native vegetation, either original or reestablished, that borders streams, wetlands, and springs.

(2) Aquatic corridor. An area of land and water which is important to the integrity and quality of a stream, wetland, and spring. An aquatic corridor consists of the actual body of water and the adjacent aquatic buffer.

(3) Development. Any manmade change, involving construction or reconstruction, to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, grading, clearing, paving, excavation, drilling operations, or other land disturbances.

(4) Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

(5) Native vegetation. Indigenous plants to East Tennessee.

(6) Redevelopment. See "development."

(7) Stream. Perennial and intermittent watercourses identified through site inspection by TDEC.

(8) Stormwater administrator. The Building Official for the City of Lenoir City or his or her designated representative, or other representative as appointed by the City Council of Lenoir City.

(9) TDEC 303(d) list. The list is a compilation of the streams and lakes in Tennessee that are "water quality limited" or are expected to exceed water quality standards in the next two (2) years and need additional pollution controls. Water quality limited streams are those that have one (1) or more properties that violate water quality standards. They are considered impaired by pollution and not fully meeting designated uses. Additionally, the 303(d) List prioritizes impacted streams for specialized studies called Total Maximum Daily Load (TMDL).

(10) Total Maximum Daily Load (TMDL). TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. The Clean Water Act, section 303, establishes water quality standards and TMDL programs. In the State of Tennessee, TMDLs are established by TDEC.

(11) Watercourse. A permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.

(12) Waterways. Any stream, wetland, or spring.

(13) Wetlands. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland determination shall be made by the Army Corp of Engineers and/or the Tennessee Department of Environment and Conservation. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-308. Stream buffer width requirements. (1) All land development activities subject to this ordinance shall maintain or install a vegetative stream buffer for a minimum of thirty feet (30'), measured horizontally, on both banks (as applicable) of all streams as measure from the top of the stream bank.

(2) Delineated wetlands and springs located on any land proposed for development shall maintain or install a vegetative buffer extending thirty feet (30') perpendicular beyond the edges of the delineated wetlands and springs. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-309. Design standards for stream buffers. (1) The vegetative target is a mature strip of undisturbed native vegetation (either original or re-established) that can provide erosion control to the stream, leaf litter, wood debris, delineated wetland and springs.

If streams, wetlands, or springs do not have an established vegetative buffer, then a planting plan shall be required. Such a planting plan shall be submitted to the Lenoir City Planning Office for approval and shall comply with the following:

(a) All planting plans shall be drawn at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts on 24" x 36" sheets.

(b) A minimum of two (2) complete sets of planting plans shall be submitted at the time of application.

(c) The planting plan shall include a "plant schedule" which lists the number and common and botanical name(s) of all existing and proposed plantings. The "plant schedule" shall also list the height, spread, and where applicable, the caliper of all new plantings at the time of planting.

(2) Establishment of a vegetated aquatic buffer must adhere to the following conditions and must be shown on the planting plan:

(a) Stream banks must be planted with native vegetation that represents both woody (trees and shrubs) and herbaceous species as determined by a landscape architect. Density shall depend on the re-vegetation technique to be used and existing site conditions.

(b) No trees shall be planted in a utility district easement.

(c) No species may comprise more than one-third (1/3) of the total planted trees or shrubs.

(d) Seedling/trees must be guaranteed at a seventy-five percent (75%) survivorship.

(e) Invasive species must be removed and managed. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-310. Management and maintenance of stream buffers.

(1) Management of the stream buffer includes specific limitation on alteration of the natural conditions.

The following practices and activities are restricted within the stream buffer, except with prior approval by the Lenoir City Planning Office and/or as approved and permitted by an appropriate state and/or federal agency:

(a) Clearing or grubbing of existing vegetation; and

(b) Use, storage, or application of pesticides, herbicides, and fertilizers.

(2) The following structures, practices, and activities are permitted in the stream buffer subject to the prior approval by the Lenoir City Planning Office and the following specific design or maintenance features:

(a) Crossings provided the following criteria are followed:

- (i) The width should be the minimum width needed to allow for maintenance access and installation;
    - (ii) The crossing shall be at an angle that minimizes clearing requirements; and
    - (iii) The minimum number of crossings should be used within each development.
  - (b) Paths provided the design and location are approved by the Lenoir City Planning Office.
  - (c) Public utilities provided the following criteria are followed:
    - (i) The width should be the minimum width needed to allow for maintenance access and installation; and
    - (ii) The crossing should be at an angle that minimizes clearing requirements.
  - (d) Individual trees within the stream buffer may be removed if in danger of falling, causing damage to dwellings or other structures, causing blockage of the stream, standing in the path of a proposed water or sewer main, or the roots of the tree are penetrating or in danger of penetrating a sewer line at a joint or pipe connection. However, the root wad or stump should be left in place, where feasible, to maintain soil stability.
- (3) All final plats and site plans shall:
- (a) Show the extent of any aquatic buffer on the subject property and be labeled as "stream buffer";
  - (b) Provide a plat note to reference any stream buffer stating, "There shall be no clearing, grading, construction or disturbance of soil and/or native vegetation except as permitted by the Lenoir City Planning Office.
  - (c) Provide a plat note to reference any protective covenants governing all aquatic buffers.
- (4) All stream buffers must be protected during development activities. Prior to the initiation of development activities, ensure adequate visibility of the aquatic buffer by staking, flagging, or fencing.
- (5) Stream buffers shall be left in a stabilized condition upon completion of the development. The vegetative condition of the entire stream buffer must be monitored and landscaping or stabilization performed to repair erosion, damaged vegetation, or other problems identified.
- Invasive species must be removed and managed. Only native vegetation may be used in conjunction with stabilization activities. Property owners shall remain responsible for maintaining the aquatic buffer. Where any tree or shrub which was required as part of an approved planting plan is removed, such tree or shrub shall be replaced with an equivalent tree(s) or shrub(s) approved by city staff.

Subsequent city permits, such as land disturbance, grading, building, and sign permits, may be withheld if, after written notification, the required stream buffer or stream buffer to be preserved is not properly maintained.

All landscaping or stabilization activities within the stream buffer must have prior approval by the Lenoir City Planning Office. In addition, performing work in and around waters of the state may require coverage under a State of Tennessee or possibly a federal permit. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-311. Water pollution hazards. The following land uses and/or activities are designated as potential water pollution hazards and must be set back from any water body by the distance indicated below:

(1) Non-residential storage of hazardous substances -- One hundred fifty feet (150');

(2) Non-residential above or below ground petroleum storage facilities -- One hundred fifty feet (150');

(3) Drain-fields from on-site sewage disposal and treatment system (i.e., septic systems) -- One hundred feet (100');

(4) Subsurface discharges from wastewater treatment plant -- One hundred feet (100'), or as regulated by other state or federal agencies, whichever is greater;

(5) Land application of biosolids -- One hundred feet (100'), or a distance as required by 40 CFR 503, whichever is greater. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-312. Violation and enforcement. It shall be unlawful for any person, corporation or entity to violate or fail to comply with any provisions of this ordinance. Each day a violation is allowed to continue shall constitute a separate offense.

In determining the severity of the penalty for a violation, the stormwater administrator shall consider the following conditions:

(1) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;

(2) The duration and gravity of the violation;

(3) The effect on ground or surface water quality;

(4) The cost of rectifying the damage;

(5) The amount of money saved by noncompliance;

(6) Whether the violation was committed willfully or intentionally;

(7) The cumulative effect of other enforcement actions applied for the same offense;

(8) The prior record of the violator in complying or failing to comply with the stormwater quality management program;

(9) The costs of enforcement to the City of Lenoir City. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-313. Appeals. The board of codes enforcement appeals shall serve as the appellate body for this ordinance and have the power to hear and decide appeals to this ordinance.

The appeal shall be in a written request submitted to the stormwater administrator within ten (10) days of a written notice of violation. The appeal shall be heard in the same manner as all other appeals filed to the board of codes enforcement appeals, and as identified by its ordinance of establishment. (as added by Ord. #2010-1-15-1882, Jan. 2010)

14-314. Conflict with other regulations. Where the standards and management requirements of this stream buffer ordinance are in conflict with other laws, regulations, or ordinances or other environmental protective measures, the more restrictive requirements shall apply. (as added by Ord. #2010-1-15-1882, Jan. 2010)

## TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

## CHAPTER

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

## CHAPTER 1

MISCELLANEOUS<sup>2</sup>

## SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. Driving under the influence.
- 15-105. One-way streets.
- 15-106. Unlaned streets.
- 15-107. Laned streets.
- 15-108. Yellow lines.
- 15-109. Miscellaneous traffic control signs, etc.
- 15-110. General requirements for traffic control signs, etc.
- 15-111. Unauthorized traffic control signs, etc.

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

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

- 15-112. Presumption with respect to traffic control signs, etc.
- 15-113. School safety patrols.
- 15-114. Driving through funerals or other processions.
- 15-115. Clinging to vehicles in motion.
- 15-116. Riding on outside of vehicles.
- 15-117. Backing vehicles.
- 15-118. Projections from the rear of vehicles.
- 15-119. Causing unnecessary noise.
- 15-120. Vehicles and operators to be licensed.
- 15-121. Passing.
- 15-122. Damaging pavements.
- 15-123. Bicycle helmets and restraining seat.
- 15-124. Damage to city streets prohibited; recovery of cleaning and repair costs.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1963 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1963 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1963 Code, § 9-107)

15-104. Driving under the influence. (See Tennessee Code Annotated, §§ 55-10-401, 55-10-303, and 55-10-307). (1963 Code, § 9-108, modified)

15-105. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1963 Code, § 9-109)

15-106. Unlaned streets. 1. Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- a. When lawfully overtaking and passing another vehicle proceeding in the same direction.
- b. When the right half of a roadway is closed to traffic while under construction or repair.

c. Upon a roadway designated and signposted by the municipality for one-way traffic.

2. All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1963 Code, § 9-110)

15-107. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1963 Code, § 9-111)

15-108. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1963 Code, § 9-112)

15-109. Miscellaneous traffic control signs, etc.<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the municipality except in compliance with the directions of a police officer. (1963 Code, § 9-113)

15-110. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>2</sup> published by the U. S. Department of Transportation, Federal Highway

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<sup>1</sup>Municipal code references

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

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

Administration, and shall, so far as practicable, be uniform as to type and location throughout the municipality. (1963 Code, § 9-114, modified)

15-111. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (1963 Code, § 9-115)

15-112. Presumption with respect to traffic control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (1963 Code, § 9-116)

15-113. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1963 Code, § 9-117)

15-114. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1963 Code, § 9-118)

15-115. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1963 Code, § 9-120)

15-116. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1963 Code, § 9-121)

15-117. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1963 Code, § 9-122)

15-118. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1963 Code, § 9-123)

15-119. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1963 Code, § 9-124)

15-120. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1963 Code, § 9-125)

15-121. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1963 Code, § 9-126)

15-122. Damaging pavements. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1963 Code, § 9-119)

15-123. Bicycle helmets and restraining seat. 1. Definitions. As used in this section, the following terms have the following meanings, unless the context otherwise requires:

a. "Bicycle" means a human-powered vehicle with two (2) wheels in tandem designed to transport, by the action of pedaling, one (1) or more persons seated on one (1) or more saddle seats on the same frame. Such term also includes a human-powered vehicle designed to transport by pedaling which has more than two (2) wheels where the vehicle is used on a public roadway, public bicycle path or other public right-of-way, but does not include a tricycle.

b. "Operator" means a person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.

c. "Other public right-of-way" means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of state or local political subdivision thereof and is designed for use and used by vehicular and/or pedestrian traffic.

d. "Passenger" means any person who travels on a bicycle in any manner except as an operator.

e. "Protective bicycle helmet" means a piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation, or which is otherwise approved by the Commissioner of Safety.

f. "Public bicycle path" means a right-of-way under the jurisdiction of control of the state or local political subdivision thereof for use primarily by bicycles and pedestrians.

g. "City roadway" means a street, alley, sidewalk, right-of-way or property under the jurisdiction and control of the city for use by motor vehicles, bicycles, or pedestrians.

h. "Tricycle" means three wheeled human powered vehicle.

2. With regard to any bicycle used on a city roadway or public bicycle path, it is unlawful:

a. For any person under the age of twelve (12) to operate or be a passenger on a bicycle unless at all times when so engaged such person wears a protective bicycle helmet of good fastened securely upon the head with the straps of the helmet.

b. For any person under the age of four (4) to be a passenger on a bicycle unless the person can be and is properly seated in and adequately secured to a restraining seat.

c. For any parent or legal guardian of a person below the age of twelve (12) to knowingly permit such person to operate or be a passenger on a bicycle in violation of subdivisions (1) or (2) of this section.

d. To rent or lease any bicycle to or for the use of any person under the age of twelve (12) unless:

i. The person is in possession of a protective bicycle helmet of good fit at the time as such rental or lease; or

ii. The rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the helmet, as required by subsection (2) at all times while operating or being a passenger on the bicycle.

3. The purpose of this section is to reduce the incidence of disability and death resulting from injuries incurred in bicycling on city roadways and other public right-of-ways, all bicycle operators and passengers under the age of twelve (12) wear approved protective bicycle helmets; that all bicycle passengers under the age of four (4) to be seated in separate restraining seats.

4. Except as provided in subsection (5) below, any adult person violating any requirement set forth in section 17-455<sup>1</sup> shall be guilty of a violation and upon conviction sentenced to pay a fine of two dollars (\$2.00) and court costs.

5. Upon commission of the first offense within a twelve-month (12) period under section (2)(c), it shall be a defense that the accused has since the date of the violation purchased or provided a protective bicycle helmet or a restraining seat, and used and intends to use or causes to be used or intends to cause to be used the same as the law requires.

6. In no event shall failure to wear a protective bicycle helmet or to secure a passenger to a restraining seat be admissible as evidence in a trial of any "civil action." (Ord. page 96-7-22-1054, July 1996)

15-124. Damage to city streets prohibited; recovery of cleaning and repair costs. 1. It shall be unlawful to operate a motor vehicle in such a manner or such weight as to cause damage to the streets of the City of Lenoir City.

2. It shall be unlawful to operate a motor vehicle in such a manner as to permit the vehicle to dispel mud or any other substance or debris on city streets.

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<sup>1</sup>Ord. Page 96-7-22-1054 (July 1996), from which these provisions were taken, makes reference to this section, although it is unclear where this section is located.

3. The operator of any such vehicle shall be responsible for any and all actual costs incurred by the City of Lenoir City in cleaning and/or repairing any city streets so affected. (as added by Ord. #1999-2-22-1232, Feb. 1999)

## CHAPTER 2

EMERGENCY VEHICLES

## SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1963 Code, § 9-102)

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

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

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

4. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1963 Code, § 9-103)

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<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:  
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1963 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1963 Code, § 9-105)

## CHAPTER 3

SPEED LIMITS

## SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1963 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1963 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limits have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1963 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1963 Code, § 9-204)

## CHAPTER 4

TURNING MOVEMENTS

## SECTION

15-401. Signals.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Signals. No person operating a motor vehicle shall make any turning movement which might affect the operation of any other vehicle without first signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1963 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1963 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1963 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1963 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1963 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 5

STOPPING AND YIELDING

## SECTION

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

15-501. Upon approach of authorized emergency vehicles.<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1963 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. (1963 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. (1963 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. (1963 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. (1963 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. (1963 Code, § 9-406)

15-507. At traffic control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

1. Green alone, or "Go":
  - a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
  - b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
2. Steady yellow alone, or "Caution":
  - a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
  - b. Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

3. Steady red alone, or "Stop":

a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

b. Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

4. Steady red with green arrow:

a. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

b. Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

5. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1963 Code, § 9-407)

15-508. At flashing traffic control signals. 1. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the municipality it shall require obedience by vehicular traffic as follows:

a. Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

b. Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1963 Code, § 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:

1. Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

2. Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1963 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1963 Code, § 9-410)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.
- 15-607. Unlawful to park for more than a three hour period.
- 15-608. Unlawful to park in spaces designated for the handicapped.
- 15-609. Unlawful to park on the right-of-ways of highways.
- 15-610. Trailers stored on streets overnight prohibited.
- 15-611. Vehicle repairs on streets prohibited.
- 15-612. Unlawful to park on the east bound lane of 1<sup>st</sup> Avenue between "A" Street and the "B" Street alley.
- 15-613. Downtown parking restrictions and boundaries.

15-601. Generally. Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1963 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1963 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies

more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1963 Code, § 9-503)

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

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection or within fifteen (15) feet thereof;
4. Within fifteen feet (15') of a fire hydrant;
5. Within a pedestrian crosswalk;
6. Within fifty feet (50') of a railroad crossing;
7. Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of the entrance;
8. Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;
9. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
10. Upon any bridge;
11. Alongside any curb painted yellow or red by the municipality;
12. In any place or manner that unduly interferes with the safe and unobstructed movement of traffic;
13. It shall be unlawful to park a vehicle on city streets in such a manner as to obstruct, hinder, impede, inhibit or occlude the entrance to or exit from a private driveway. (1963 Code, § 9-504, as amended by Ord. #\_\_\_\_, \_\_\_\_\_, and Ord. #378A, Jan. 1984)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1963 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1963 Code, § 9-512)

15-607. Unlawful to park for more than a three hour period. It shall be unlawful for the owner or operator of any motor vehicle to park or allow his vehicle to be parked in any unmetered parking lot owned, operated and/or controlled by the City of Lenoir City, for more than three (3) hours, between the hours of 8:00 A.M. and 6:00 P.M. on all days except Sundays and holidays declared by the governing body. The provisions of this section shall be enforced,

and the same penalties shall apply as in the case of parking meter violations. Except where defined in § 5-613 "Downtown parking restrictions and boundaries" or as illustrated on the "downtown district parking map."<sup>1</sup> (Ord. #28-D, Oct. 1963, as amended by Ord. #2009-07-27-1866-b, July 2009)

15-608. Unlawful to park in spaces designated for the handicapped.

1. It shall be unlawful for any person to park or leave standing any vehicle in a stall or space designated for handicapped persons unless the vehicle displays a distinguishing placard or license plate or disabled veterans license plate issued by an official state or federal agency.

2. Any person violating the provisions of this section shall be guilty of a civil offense and punished by a fine of not more than one hundred dollars (\$100.00) for each offense.

3. Notwithstanding any other provision of the law to the contrary, the provisions of subsection (1) shall be enforced, whether the violations occur on public or private property, in the same manner used to enforce other parking laws. Any vehicle parked in violation of this section shall be removed from the designated space, and all costs of towing and storage shall be paid by the owner or driver of said vehicle. (Ord. adopted Dec. 8, 1986, modified)

15-609. Unlawful to park on the right-of-ways of highways. 1. It shall be unlawful to park any motor vehicle, trailer, or other transportation device along the right-of-ways of highways within the city limits of Lenoir City, Tennessee, except in instances of emergency parking, not to exceed five hours.

2. Any motor vehicle, trailer, or other transportation device parked on the highway right-of-ways may be impounded by members of the police department and removed from said rights-of-way at the expense of the owner of said vehicle.

3. This section may be enforced by the provisions of chapter 7, Enforcement, § 15-701, et seq. (Ord. adopted June 26, 1989)

15-610. Trailers stored on streets overnight prohibited. No trailers can be stored on city streets overnight, either hooked or unhooked from their towing vehicle.

15-611. Vehicle repairs on streets prohibited. It shall be unlawful for any person to use a city street or sidewalk for any vehicle maintenance or repairs, other than changing a flat tire.

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<sup>1</sup>The downtown district parking map can be found in the office of the recorder attached to Ord. #2009-07-27-1866-B, July 2009.

15-612. Unlawful to park on the east bound lane of 1<sup>st</sup> Avenue between "A" Street and the "B" Street alley. It shall be unlawful for any vehicle to park in the east bound lane of 1<sup>st</sup> Avenue between "A" Street and the "B" Street alley. (as added by Ord. #2003-3-24-1526, March 2003)

15-613. Downtown parking restrictions and boundaries. The downtown parking restrictions and boundaries are defined as the following streets and classified as either "2-Hour Only" or as "Unlimited Daily" parking. Both sides of each street are within the boundaries and are restricted unless specifically indicated otherwise in this section or on the downtown district parking map:<sup>1</sup>

East & West Broadway - Hill Street to B Street = 2-Hour Parking  
Kingston Street - E. Broadway to the alley = 2-Hour Parking  
Kingston Street - alley to 1<sup>st</sup> Avenue East = Unlimited Daily Parking  
1<sup>st</sup> Avenue - Kingston Street to B Street = Unlimited Daily Parking  
A Street - East & West Broadway to alley = 2-Hour Parking  
A Street - alley to 1<sup>st</sup> Avenue East & West = Unlimited Parking  
B Street - West Broadway to alley = 2-Hour Parking  
B Street - alley to 1<sup>st</sup> Avenue West = Unlimited Parking  
B Street South - West Broadway to Depot Street = 2-Hour Parking  
A Street South - West Broadway to Depot Street = 2-Hour Parking  
A Street South - Depot Street to Railroad Street = Unlimited Parking  
Depot Street - B Street to Bank Street = Unlimited Parking  
City owned parking at West Broadway and B Street = Unlimited Parking  
City owned parking at Memorial Building on B Street = Unlimited Parking  
City owned parking at Depot Street behind Roane State/Public Library = Unlimited Parking

Exceptions - Commercial properties having 2<sup>nd</sup> floor residential uses shall have "Unlimited Daily" parking privileges adjacent to the residential access of their property. (as added by Ord. #2009-07-27-1866-B, July 2009)

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<sup>1</sup>The downtown district parking map can be found in the office of the recorder attached to Ord. #2009-07-27-1866-B, July 2009.

## CHAPTER 7

ENFORCEMENT

## SECTION

- 15-701. Impoundment of vehicles.
- 15-702. Issuance of traffic citations.
- 15-703. Failure to obey citation.
- 15-704. Illegal parking.
- 15-705. Deposit of driver license in lieu of bail.

15-701. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Members of the police department are further authorized to remove from city owned, operated and/or controlled parking lots and impound any vehicle which is, at the time of its removal, illegally parked in said lot. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars (\$5.00) and the cost of towing, not to exceed fifty dollars (\$50.00) and a storage cost of one dollar (\$1.00) per day shall also be charged. (1963 Code, § 9-601, as replaced by Ord. #30-A, Nov. 1963)

15-702. Issuance of traffic citations.<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. (1963 Code, § 9-602)

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.

State law reference

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

15-703. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1963 Code, § 9-603)

15-704. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation.

For parking violations, other than handicapped parking under § 15-614, the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court but the fines shall be three dollars (\$3.00) within twenty-four (24) hours and five dollars (\$5.00) thereafter until a warrant is issued. (1963 Code, § 9-604, modified)

15-705. Deposit of driver license in lieu of bail. 1. Pursuant to Tennessee Code Annotated, §§ 55-50-801 through 55-50-805, whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issue to him by the Tennessee Department of Safety, or under the driver license laws of any other state of territory or the District of Columbia, is issued a citation or arrested and charged with a violation of any municipal ordinance or state statute regulating traffic, except those ordinances or statues, the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, said person shall have the option of depositing his chauffeur's or operator's license with the office or court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before said court.

2. All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated, §§ 55-50-801 through 55-50-805, and any implementing orders of the Department of Safety, State of Tennessee. (Ord. #326, Nov. 1982)<sup>1</sup>

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<sup>1</sup>There are two ordinances numbered 326, Nov. 1982, one authorizing the deposit of driver licenses in lieu of bail and another adopting a fee schedule for the city court.

## CHAPTER 8

RAILROADS

## SECTION

- 15-801. Warnings at crossings.
- 15-802. Crossing tracks after warning.
- 15-803. Trains not to block street.
- 15-804. Duty of railroad as to gates.
- 15-805. Blowing whistles or horns.
- 15-806. Trespass - generally.
- 15-807. Trespass - on railroad bridge.
- 15-808. Getting on or off moving engines or trains.

15-801. Warnings at crossings. On or before September 1, 1970, there shall be erected at all grade crossings on the line of any railroad in the city over which trains are operated, electric signals, crossing gates or flagmen or some other warning approved by the city council. Such warning shall be provided and maintained by the railroad without expense to the city, and when warning devices are used they shall be erected and maintained under the supervision of the city street department. After September 1, 1970, it shall be unlawful for any engineer, hostler, or other person in charge of any engine, with or without cars attached, to run the same over any grade crossing at which there are no warning devices, electric signals, crossing gates or flagmen as prescribed herein. (Ord. #2-E, Feb. 1970)

15-802. Crossing tracks after warning. It shall be unlawful for any person, when warned by electric signals, crossing gates, watchmen or any other approved warning device, to cross or attempt to cross any railroad tracks within the city. (Ord. #2-E, Feb. 1970)

15-803. Trains not to block street. It shall be unlawful for any railroad or railroad company or its officers, agents or servants to operate any train, engine, car or other equipment, or to cause any bell, gong, light signal, gate or other warning device to operate, in such manner as to prevent or prohibit the use of any street for purposes of vehicular travel for a continuous period of time longer than ten (10) minutes, except that this provision shall not apply to trains or cars in continuous motion other than those engaged in switching. (Ord. #2-E, Feb. 1970)

15-804. Duty of railroad as to gates. It shall be unlawful for any railroad company to keep the gates at crossings shut down for any unreasonable time, so as to obstruct travel.

It shall be unlawful for the railroad's employees to shut down the gates while persons are between the gates, so as to keep them on the track.

It shall be unlawful for any engineer or person in charge of an engine or train to move his engine or cars over a crossing unless the warning, as provided in this chapter, has been given. (Ord. #2-E, Feb. 1970)

15-805. Blowing whistles or horns. It shall be unlawful for any person operating or in charge of a locomotive engine within the corporate limits of the city to blow the whistle or horn on the same except as may be absolutely necessary in the use of the signals as laid down by the rules and regulations of railway companies, or as required by the laws of the state. (Ord. #2-E, Feb. 1970)

15-806. Trespass - generally. It shall be unlawful for any person, not an employee, to walk or be upon the tracks of any railroad within the corporate limits of the city, except where it is necessary to cross the same at regular and established street crossings, or to play or loiter about or upon the tracks, or within or upon the cars or engines of any railroad within the corporate limits of the city. (Ord. #2-E, Feb. 1970)

15-807. Trespass - on railroad bridge. It shall be unlawful for any person, not an employee of a railroad company in the necessary discharge of his duty, to get upon or walk upon, or get inside of any railroad bridge. (Ord. #2-E, Feb. 1970)

15-808. Getting on or off moving engines or trains. It shall be unlawful for any person not a bonafide passenger or employee of a railroad company in the discharge of his duty, to jump, step or otherwise get upon or from or swing to or in any manner attach himself to, any moving engine, car or train within the corporate limits of the city. (Ord. #2-E, Feb. 1970)

## TITLE 16

STREETS AND SIDEWALKS, ETC.<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. ACCEPTANCE OF PUBLIC STREETS.

## CHAPTER 1

MISCELLANEOUS

## SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1963 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet. (1963 Code, § 12-202)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1963 Code, § 12-203)

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> (1963 Code, § 12-204)

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 governing body. (1963 Code, § 12-205)

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. (1963 Code, § 12-206)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1963 Code, § 12-207)

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. (1963 Code, § 12-208)

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. (1963 Code, § 12-209)

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

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

unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1963 Code, § 12-210)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1963 Code, § 12-212)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk.

## CHAPTER 2

EXCAVATIONS<sup>1</sup>

## SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Deposit.
- 16-204. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-205. Restoration of streets, etc.
- 16-206. Time limits.
- 16-207. Supervision.
- 16-208. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the code enforcement officer is open for business, and said permit shall be retroactive to the date when the work was begun. (1963 Code, § 12-101, modified)

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

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<sup>1</sup>State law reference

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

approved by the code enforcement officer within twenty-four (24) hours of its filing. (1963 Code, § 12-102, modified)

16-203. Deposit. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit in the sum of one hundred dollars (\$100.00) if the excavation is in a paved area. The deposit shall insure the proper restoration of the ground and laying of the pavement. Where the amount of the deposit is clearly inadequate to cover the cost of restoration the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality 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. The deposit requirements of this section do not apply to Lenoir City Utility Board. (1963 Code, § 12-103, modified)

16-204. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1963 Code, § 12-104)

16-205. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1963 Code, § 12-105)

16-206. 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 municipality if the municipality 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. (1963 Code, § 12-106)

16-207. Supervision. The recorder or his representative 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 municipality 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. (1963 Code, § 12-107)

16-208. Driveway curb cuts. No one shall cut, build or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1963 Code, § 12-108)

## CHAPTER 3

ACCEPTANCE OF PUBLIC STREETS

## SECTION

16-301. Classification of streets.

16-302. Acceptance of streets.

16-303. No utilities to be laid in unaccepted streets.

16-304. No building permits to be issued for lots on unaccepted streets.

16-305. Exceptions.

16-301. Classification of streets. An "Existing Street" is hereby defined as a public street which the City of Lenoir City was maintaining as a public street on 10-28-63. "Proposed Streets" are contemplated streets through undeveloped property. Previous recording at the Office of the County Register of Deeds does not constitute an "Existing Street." (1963 Code, § 12-301)

16-302. Acceptance of streets. No street, road, or way shall after 10-28-63 be accepted as a public street by the City of Lenoir City unless said street, alley, road, or way meets the specifications established by the City of Lenoir City. The requirements of the Lenoir City Planning Commission for streets in new subdivisions shall govern the acceptance of new streets unless the Lenoir City city council adopts by resolution other specifications. (1963 Code, § 12-302)

16-303. No utilities to be laid in unaccepted streets. No department, board, or committee of the City of Lenoir City shall lay or permit to be laid or connected any water, sewer, gas, or electric line in any street, road, or way not accepted as a public street by the City of Lenoir City. (1963 Code, § 12-303)

16-304. No building permits to be issued for lots on unaccepted streets. No building permit for the construction of any structure shall be issued by the building official of the City of Lenoir City for any lot not abutting a street accepted as a public street by the City of Lenoir City. (1963 Code, § 12-304)

16-305. Exceptions. Nothing in this chapter shall be construed as prohibiting the city council from authorizing the opening of streets and the laying of utilities where such opening of a street or laying of a utility is determined to be necessary for the welfare of the city. (1963 Code, § 12-305)

## TITLE 17

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

## CHAPTER

## 1. REFUSE STORAGE AND COLLECTION.

## CHAPTER 1

REFUSE STORAGE AND COLLECTION

## SECTION

17-101. Refuse defined.

17-102. Owner to maintain premises free of litter.

17-102(A). Litter on vacant lots.

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. Penalties for violations.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1963 Code, § 8-101)

17-102. Owner to maintain premises free of litter. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (1963 Code, § 8-102, as replaced by Ord. #2002-7-1480-A, July 2002)

17-102(A). Litter on vacant lots. No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. (as added by Ord. #2002-7-1480-A, July 2002)

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this municipality 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 municipality handles mechanically. Furthermore, except for containers which the municipality 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. (1963 Code, § 8-103, modified)

17-104. Location of containers. Where alleys are used by the municipal 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 municipal 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 be no curb, at such times as shall be scheduled by the municipality 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. (1963 Code, § 8-104)

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. (1963 Code, § 8-105)

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. (1963 Code, § 8-106)

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. (1963 Code, § 8-107)

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 governing body is expressly prohibited. (1963 Code, § 8-108)

17-109. Refuse collection fees. Refuse collection fees shall be at such rates as are from time to time set by the city council by ordinance or resolution.<sup>1</sup>

17-110. Penalties for violations. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of a violation on private property. If after such investigation the building inspector finds a violation on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the City Court of Lenoir City and answer the charges against him or them.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a littered and/or overgrown condition continues to exist following the initial citation shall be considered a separate offense.

In the event that any offender under this section refuses to sign the ordinance summons agreement to appear in court, the municipal enforcement officer in whose presence the violation is committed may have the summons issued by the clerk of city court or the municipal enforcement officer may seek the assistance of a police or peace officer to witness the violation, who may issue a citation in lieu of arrest for the violation or make an arrest for failure to sign the citation in lieu of arrest, Tennessee Code Annotated, § 7-63-104.

Failure of an offender to appear for trial in the city court after signing the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided in Tennessee Code Annotated, § 7-63-105. (as added by Ord. #2002-7-1480-A, July 2002)

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

TITLE 18

WATER AND SEWERS<sup>1</sup>

CHAPTER

1. WATER AND SEWER SYSTEM ADMINISTRATION.
2. GENERAL WASTEWATER REGULATIONS.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS.
5. DROUGHT MANAGEMENT PLAN.

CHAPTER 1

WATER AND SEWER SYSTEM ADMINISTRATION

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Application and contract for service.
- 18-104. Service charges for temporary service.
- 18-105. Connection charges.
- 18-106. Water and sewer main extensions.
- 18-107. Water and sewer main extension variances.
- 18-108. Meters.
- 18-109. Meter tests.
- 18-110. Multiple services through a single meter.
- 18-111. Customer billing and payment policy.
- 18-112. Termination or refusal of service.
- 18-113. Termination of service by customer.
- 18-114. Access to customers' premises.
- 18-115. Inspections.
- 18-116. Customer's responsibility for system's property.
- 18-117. Customer's responsibility for violations.
- 18-118. Supply and resale of water.
- 18-119. Unauthorized use of or interference with water supply.
- 18-120. Limited use of unmetered private fire line.
- 18-121. Damages to property due to water pressure.
- 18-122. Liability for cutoff failures.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-123. Restricted use of water.
- 18-124. Interruption of service.
- 18-125. Schedule of rates.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

18-102. Definitions. 1. "Customer" means any person, firm, or corporation who receives water and/or sewer service from the city under either an express or implied contract.

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

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.

18-103. 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 service deposit of \$25.00 before service is supplied. The service deposit shall be refundable if and only if the city 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 city 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 city 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 city to the applicant shall be limited to the return of any deposit made by such applicant.

18-104. 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.

18-105. Connection charges. Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water or sewer service line will be laid by the city, the applicant shall pay a nonrefundable connection charge of an amount to be set by resolution<sup>1</sup> of the city council for water and \$425.00 for sewer.

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

18-106. 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 city forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water and/or sewer mains shall become the property of the city, however the developer(s) shall be responsible for line maintenance for one (1) year following completion of an extension. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains.

18-107. Water and sewer main extension variances. Whenever the city council is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the city council.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be

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

<sup>2</sup>Municipal code reference

Construction of building sewers: title 18, chapter 2.

construed as requiring the city to make such extensions or to furnish service to any person or persons.

18-108. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter.

18-109. Meter tests. The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2", 3", 4", 6"	2%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test required by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$10.00
1-1/2", 2"	Actual cost
3"	Actual cost
4"	Actual cost
6" and over	Actual cost

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city.

18-110. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and charges for each such dwelling or premise thus served shall be computed just as if each

such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied.

18-111. Customer billing and payment policy. Water and sewer bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than fifteen (15) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed 5% for any portion of the bill paid after the net payment period.

Payment must be received in the water and sewer department no later than 5:00 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday, net payment will be accepted if paid on the next business day no later than 5:00 P.M.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available.

18-112. Termination or refusal of service. 1. Basis of termination or refusal. The city shall have the right to discontinue water and sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- a. These rules and regulations, including the nonpayment of bills.
- b. The customer's application for service.
- c. The customer's contract for service.

The right to discontinue service shall apply to all water and sewer services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

2. Termination of service. Reasonable written notice shall be given to the customer before termination of water service according to the following terms and conditions:

- a. Written notice of termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off, and
  - i. The amount due, including other charges.
  - ii. The last date to avoid service termination.
  - iii. Notification of the customer's right to a hearing prior to service termination.

b. In the case of termination for nonpayment of bills, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination.

c. Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 5:00 P.M. on any business day.

d. If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the water and sewer department, the same shall proceed on schedule with service termination.

e. Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the water and sewer department, plus the payment of a reconnection charge of \$25.00 if the reconnection is made during regular business hours, or payment of the actual costs if the reconnection is made after regular business hours.

18-113. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

1. Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

2. During the ten (10) day period, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service.

18-114. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

18-115. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

18-116. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer.

18-117. Customer's responsibility for violations. Where the city furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

18-118. Supply and resale of water. All water shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the city.

18-119. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city.

18-120. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

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

18-121. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains.

18-122. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

1. After receipt of at least ten (10) days' written notice to cut off water service, the city has failed to cut off such service.
2. The city has attempted to cut off a service but such service has not been completely cut off.
3. The city has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

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

18-123. Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.

18-124. Interruption of service. The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

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

18-125. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the Lenoir City Utility Board may from time to time adopt by appropriate resolution.<sup>1</sup>

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

## CHAPTER 2

### GENERAL WASTEWATER REGULATIONS

#### SECTION

- 18-201. Purpose and policy.
- 18-202. Administrative.
- 18-203. Definitions.
- 18-204. Proper waste disposal required.
- 18-205. Private domestic wastewater disposal.
- 18-206. Connection to public sewers.
- 18-207. Septic tank effluent pump or grinder pump wastewater systems.
- 18-208. Regulation of holding tank waste disposal or trucked in waste.
- 18-209. Discharge regulations.
- 18-210. Enforcement and abatement.
- 18-211 - 18-213. [Deleted.]

18-201. Purpose and policy. This chapter sets forth uniform requirements for users of the Lenoir City, Tennessee, wastewater treatment system and enables the city to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

1. To protect public health;
- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the city to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge and biosolid use and disposal requirement, and any other federal or state industrial pretreatment rules to which the facility is subject.

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

This chapter shall apply to all users inside or outside the city who are, by implied contract or written agreement with the city, dischargers of applicable

wastewater to the wastewater treatment facility. Chapter 4 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility. Chapter 4 details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-202. Administrative. Except as otherwise provided herein, the manager of the Lenoir City Utility Board shall serve as the local administrative officer and shall administer, implement, and enforce the provisions of this chapter. The Lenoir City Utility Board shall serve as the local hearing authority. (as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-203. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Administrator." The administrator or the United States Environmental Protection Agency.

(2) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 U.S.C. § 1251, et. seq.

(3) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(4) "Authorized or duly authorized representative of industrial user:"

a. If the user is a corporation:

(i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been

assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) The individual described in paragraphs (a)-(c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-209 of this chapter. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(8) "Categorical standards." The national categorical pretreatment standards or pretreatment standard as found in 40 CFR chapter I, subchapter N, parts 405-471.

(9) "City." Lenoir City, Tennessee, or the Lenoir City Utility Board.

(10) "Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(11) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(12) "Composite sample." A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(13) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the local hearing authority if the

city has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

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

(16) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a twenty-four (24) hour calendar day.

(17) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

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

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

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

(21) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(22) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(23) "Grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. (gallons per minute) or less and is generally located inside the building.

(24) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. or more and is located outside the building.

(25) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(26) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(27) "Indirect discharge." The introduction of pollutants into the WWF from any non-domestic source.

(28) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. § 1342).

(29) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

(30) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(31) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(32) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(33) "Local administrative officer." The manager or the Lenoir City Utility Board.

(34) "Local hearing authority." The Lenoir City Utility Board or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-405.

(35) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users

(36) "NAICS, North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) System.

(37) "New source." (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment

standards under section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of parts (a)(ii) or (iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph

(38) "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 Clean Water Act as amended .

(39) "Pass through." A discharge which exits the Wastewater Facility (WWF) into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of

a violation of any requirement of the WWF's NPDES permit including an increase in the magnitude or duration of a violation.

(40) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(41) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(42) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(43) "Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

(44) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR, section 403.6(d).

(45) "Pretreatment director." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

(46) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(47) "Pretreatment standards or standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

(48) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33. U.S.C. 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See WWF, wastewater facility, found in definition number (63), below.

(49) "Shall" is mandatory; "may" is permissive.

(50) "Significant industrial user." The term significant industrial user means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(51) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8. (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-405(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90)

day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(52) "Slug." Any discharge of a non-routine, episode nature, including but not limited to an accidental spill or a non-customary batch discharge, which was a reasonable potential to cause interference or pass through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

(53) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

(54) "State." The State of Tennessee.

(55) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the manager.

(56) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(57) "Superintendent." The local administrative officer or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(58) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(59) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(60) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(61) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, Tennessee Code Annotated, § 68-221-201.

(62) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and

institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

(63) "Wastewater facility." Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or Publicly Owned Treatment Works.

(64) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

(65) "1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-204. Proper waste disposal required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter or city or state regulations.

(3) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.

(4) Except as provided in (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available property owners shall within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-205 of this chapter.

(6) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-205. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-204(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department. The application for such approval shall be made on a form furnished by the county health department which the applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-206. Connection to public sewers. (1) Application for service.

- (a) There shall be two (2) classifications of service:
- (i) Residential and
  - (ii) Service to commercial, industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the manager. Details regarding commercial and industrial permits include but are not limited to those required by this chapter. Service connection fees for establishing new sewer service are paid to the city. Industrial user discharge permit fees may also apply. The receipt by the city of a prospective customer's application for connection shall not obligate the city to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(b) Users shall notify the city of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The city may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within sixty (60) days of the effective day of this chapter. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first submitting a connection application to the city.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the manager. A service connection fee shall be paid to the city at the time the application is filed.

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The city will inspect the installation prior to backfilling and make the connection to the public sewer.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner including all service and connection fees. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where property is subdivided and buildings use a common building sewer are now located on separate properties, the building sewers must be separated within sixty (60) days.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the manager to meet all requirements of this chapter. All others may be sealed to the specifications of the manager.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows: Conventional sewer system - Four inches (4").

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades: Four inch (4") sewers - one eighth inch (1/8") per foot.

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, as it crosses the property line and one (1) at each

change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4"). Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only by the city and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the manager. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved pump system according to § 18-207 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the manager before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump

pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(h) Inspection of connections.

(i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the manager or his authorized representative.

(ii) The applicant for discharge shall notify the manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the manager or his representative.

(4) Maintenance of building sewers. Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the manager to meet specifications of the city. Owners failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action by the manager up to and including discontinuation of water and sewer service.

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <http://www.state.tn.us/environment/wpc/publications/>. Contractors must provide the manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the manager. The manager must give written approval to the contractor to acknowledge transfer of ownership to the city. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-207. Septic tank effluent pump or grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the city.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the city.

(b) Pumps must be approved by the city and shall be maintained by the city.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the city. Installation shall follow design criteria for STEP and GP systems as provided by the manager.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the city and connection will be made to the city sewer only after inspection and approval of the city.

(4) Ownership and easements. Homeowners or developers shall provide the city with ownership of the equipment and an easement for access to perform necessary maintenance or repair. Access by the city to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the manager.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the STEP and GP tank.

(d) Prohibited uses of the STEP and GP system.

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the city. However, pumping required more frequently than once every five (5) years shall be billed to the homeowner.

(7) Additional charges. The city shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for similar problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-208. Regulation of holding tank waste disposal or trucked in waste.

(1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the city to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such

application, said permit shall be issued by the manager when the conditions of this chapter have been met and providing the manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the city to be set as specified in § 18-407 of this title. Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three-inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The manager shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The manager may refuse to accept any truckload of waste at his discretion where it appears that the waste could interfere with the operation of the WWF.

(4) Revocation of permit. Failure to comply with all the provisions of the permit or this chapter shall be sufficient cause for the revocation of such permit by the manager. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Lenoir City.

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the manager. This approval may require testing, flow monitoring and record keeping. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-209. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service

and other fines and provisions of § 18-210 or 18-405. A user may not contribute the following substances to any WWF:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty degrees (140°) F or sixty degrees (60°) C using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds forty degrees (40°) C (one hundred four degrees (104°) F) unless approved by the State of Tennessee.

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including

wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in non-compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the WWF to violate its NPDES permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(n) Any waters containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the manager in compliance with applicable state or federal regulations.

(o) Any wastewater which causes a hazard to human life or creates a public nuisance.

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

(s) 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

manager and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the manager and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(2) Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to chapter 4 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass through contamination.

(3) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the plant protection criteria, unless specifically allowed by their discharge permit according to chapter 4 of this title. Numeric limits are available from the Pretreatment Director of the Lenoir City Utility Board. Numeric limits are updated periodically as regulatory or WWF capacity changes. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

(4) Fats, oils and grease traps and interceptors. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the manager, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the manager determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the manager the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) Service and maintain the equipment in order to prevent impact upon the sewer collection system and treatment facility. If in the opinion of the manager the user continues to impact the collection system and treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the manager may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment or facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the building code or Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the user or owner shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law. The city retains the right to inspect and approve installation of control equipment.

(f) Solvents and biological products prohibited. The use of degreasing or line cleaning products containing petroleum based solvents

is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the city is prohibited. The use of biological products, enzymes, liquefiers and other products which will or claim to eliminate the need to or reduce the frequency of trap or interceptor cleaning are prohibited.

(g) The manager may use industrial wastewater discharge permits under § 18-402 to regulate the discharge of fat, oil and grease (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010).

18-210. Enforcement and abatement. Violators of these wastewater regulations may be cited to city court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the city may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to chapter 4. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the manager that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The city may take any or all the following remedies:

(1) Cite the user to city or general sessions court, where each day of violation shall constitute a separate offense.

(2) In an emergency situation where the manager has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the manager may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-211. – 18-213. [Deleted]. (Ord. dated Nov. 1991, as deleted by Ord. #2010-6-28-1900-C, June 2010)

## CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

## SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water system." The waterworks system furnishing water to Loudon County for general use and which is recognized as the public water system by the Tennessee Department of Health.

(2) "Cross connection." Any physical arrangement whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections;

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

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<sup>1</sup>Municipal code reference

Plumbing and related codes: title 12.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative, or federal agency. (Ord. #556, Nov. 1987)

18-302. Standards. The City of Lenoir City Public Water System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #556, Nov. 1987)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the general manager of the City of Lenoir City Public Water System. (Ord. #556, Nov. 1987)

18-304. 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 general manager a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. #556, Nov. 1987)

18-305. Inspections required. It shall be the duty of the general manager of the public water system to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the general manager of the City of Lenoir City Public Water System and as approved by the Tennessee Department of Health. (Ord. #556, Nov. 1987)

18-306. Right of entry for inspections. The general manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Lenoir City Public Water System for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or

systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #556, Nov. 1987)

18-307. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the general manager of the City of Lenoir/LCUB Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the City of Lenoir/LCUB Public Water System, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. #556, Nov. 1987)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system;

- (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 general manager of the City of Lenoir/LCUB Public Water System or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type

backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the general manager of the public water system prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the City of Lenoir/LCUB Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the general manager 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 general manager shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the general manager of the City of Lenoir/LCUB Public Water System.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the City of Lenoir/LCUB Public Water System. (Ord. #556, Nov. 1987)

18-309. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water system shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #556, Nov. 1987)

18-310. Violations. The requirements contained herein shall apply to all premises served by the City of Lenoir/LCUB Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the City of Lenoir City corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #556, Nov. 1987)

## CHAPTER 4

INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS

## SECTION

- 18-401. Industrial pretreatment.
- 18-402. Discharge permits.
- 18-403. Industrial user additional requirements.
- 18-404. Reporting requirements.
- 18-405. Enforcement response plan.
- 18-406. Enforcement response guide table.
- 18-407. Fees and billing.
- 18-408. Validity.

18-401. Industrial pretreatment. In order to comply with Federal Industrial Pretreatment Rules 40 CFR 403 and Tennessee Pretreatment Rules 1200-4-14 and to fulfill the purpose and policy of this title the following regulations are adopted.

(1) User discharge restrictions. All system users must follow the general and specific discharge regulations specified in § 18-209 of this title.

(2) Users wishing to discharge pollutants at higher concentrations than plant protection criteria of § 18-209, or those dischargers who are classified as significant industrial users will be required to meet the requirements of this chapter. Users who discharge waste which falls under the criteria specified in this chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in § 18-205.

(3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.

(4) Discharge permits shall limit concentrations of discharge pollutants to those levels that are established as local limits or other applicable state and federal pretreatment rules which may take effect after the passage of this chapter. Numeric limits are available from the Pretreatment Director of LCUB.

(5) Surcharge limits and maximum loading. Dischargers of high strength waste may be subject to surcharges based on the following surcharge limits. Maximum loadings of table A pollutants will be established through individual permits.

Table A-Surcharge

<u>Parameter</u>	<u>Surcharge Limit</u>
Total Kjeldahl Nitrogen (TKN)	40 mg/L
Oil & Grease	100 mg/L
Ammonia as Nitrogen	20 mg/L
BOD (Biochemical Oxygen Demand)	300 mg/L
COD (when BOD cannot be determined)	750 mg/L
Total Suspended Solids (TSS)	300 mg/L

(6) Protection of treatment plant influent. The pretreatment director shall monitor the treatment works influent for each parameter included in the plant protection criteria. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by the plant protection criteria or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment director shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect the WWF. The pretreatment director shall also recommend changes to any of these criteria in the event that: the WWF effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the WWF.

(7) User inventory. The manager will maintain an up-to-date inventory of users whose waste does or may fall into the requirements of this chapter, and will notify the users of their status.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment director from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-402. Discharge permits. (1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the manager for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the city sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the manager, the building sewer is installed in accordance with § 18-206 of this title and an inspection has been performed by the manager or his representative.

The receipt by the city of a prospective customer's application for connection shall not obligate the city to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required by the manager to obtain a wastewater discharge permit shall complete and file with the pretreatment director, an application on a prescribed form accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in §§ 18-209 and 18-401 discharge variations -- daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and

elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment director.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment director for approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this subsection, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The pretreatment director will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment director that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the local administrative officer, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(viii) Applications shall be signed by the duly authorized representative.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

(i) Permits shall contain the following:

(A) Statement of duration;

(B) Provisions of transfer;

(C) Effluent limits, including best management practices, based on applicable pretreatment standards in this chapter, state rules, categorical pretreatment standards, local, state, and federal laws.

(D) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;

(F) Requirements to control slug discharges, if determined by the WWF to be necessary;

(G) Requirement to notify the WWF immediately if changes in the users processes affect the potential for a slug discharge.

(ii) Additionally, permits may contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(B) Requirements for installation and maintenance of inspection and sampling facilities;

(C) Compliance schedules;

(D) Requirements for submission of technical reports or discharge reports;

(E) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(F) Requirements for notification of the city sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and

of any changes in industrial processes that would affect wastewater quality or quantity;

(G) Prohibition of bypassing pretreatment or pretreatment equipment;

(H) Effluent mass loading restrictions;

(I) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment director during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least sixty (60) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permit duration. Permits shall be issued for a 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 renewal a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in:

(A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(B) Strength, volume, or timing of discharges;

(C) Addition or change in process lines generating wastewater.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the pretreatment director as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment director until and unless prior and adequate notification is given to the user. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-403. Industrial user additional requirements. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment director.

When in the judgment of the pretreatment director, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the pretreatment director may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment director, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment director may; however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 CFR 136 and appropriate EPA guidance. Multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenol, and sulfide the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(3) Representative sampling and housekeeping. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measuring facilities shall be properly operated, kept clean, and in good working order at all times. The failure of the user to keep its monitoring facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper operation and maintenance includes adequate process control as well as adequate testing and monitoring quality assurance.

(5) Inspection and sampling. The city may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of its duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The city will utilize qualified city personnel or a private laboratory to conduct compliance monitoring. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(6) Safety. While performing the necessary work on private properties, the pretreatment director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the

company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) New sources. New sources of discharges to the WWF shall have in full operation all pollution control equipment at start up of the industrial process and be in full compliance of effluent standards within ninety (90) days of start up of the industrial process.

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance

(9) Accidental discharges or slug discharges. (a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental or slug discharge into the WWF of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment director before the facility is constructed. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment director in person or by the telephone to enable countermeasures to be taken by the pretreatment director to minimize damage to the WWF, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence. Such notification shall not relieve the user of liability for any expense, loss, or damage to the WWF, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any 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. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-404. Reporting requirements. Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under § 18-405.

(1) Baseline monitoring report. (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(l)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the manager a report which contains the information listed in subsection (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the manager a report which contains the information listed in subsection (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(i) Identifying information. The user name, address of the facility including the name of operators and owners.

(ii) Permit information. A listing of any environmental control permits held by or for the facility.

(iii) Description of operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(v) Measurement of pollutants.

(A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the manager, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the manager or the applicable standards to determine compliance with the standard.

(E) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.

(F) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards

(G) Sampling and analysis shall be performed in accordance with 40 CFR 136 or other approved methods;

(H) The manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(I) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

(c) Compliance certification. A statement, reviewed by the user's duly authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met

on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-404(2) of this chapter.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-404(14) of this chapter and signed by the duly authorized representative.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-404(1)(d) of this chapter:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation)

(b) No increment referred to above shall exceed nine (9) months,

(c) The user shall submit a progress report to the manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule,

(d) In no event shall more than nine (9) months elapse between such progress reports to the manager.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the manager a report containing the information described in § 18-404(l)(b)(iv) and (v) of this chapter. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14) of this section. All sampling will be done in conformance with subsection (11).

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the manager submit no less than twice per year (April 10 and October 10) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the manager or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this chapter.

(c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the manager, using the procedures prescribed in subsection (11) of this section, the results of this monitoring shall be included in the report

(5) Reports of changed conditions. Each user must notify the manager of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

(a) The manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-401 of this chapter.

(b) The manager may issue an individual wastewater discharge permit under § 18-402 of this chapter or modify an existing wastewater discharge permit under § 18-402 of this chapter in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the manager, submit a detailed written report

describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the manager immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the manager as the manager may require to determine users status as non-permitted.

(8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within thirty (30) days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation, the user must notify the manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the manager within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily

available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-404(5) of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of § 18-404(1), 18-404(3), and 18-404(4) of this chapter.

(b) Dischargers are exempt from the requirements of subsection (a) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the manager, the EPA Regional Waste Management Waste Division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued there under, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and

analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the manager or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the manager. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in subsections (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the manager may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this title shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this title, any additional records of information obtained pursuant to monitoring

activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-408. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the manager.

(14) Certification statements. Signature and certification. All reports associated with compliance with the pretreatment program shall be signed by the duly authorized representative and shall have the following certification statement attached:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Reports required to have signatures and certification statement include, permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements. (Ord. dated Nov. 1991, as replaced by Ord. #2010-6-28-1900-C, June 2010)

18-405. Enforcement response plan. Under the authority of Tennessee Code Annotated, § 69-3-123 et. seq.

(1) Complaints; notification of violation; orders. (a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of the Lenoir City Wastewater Regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute

a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in § 18-405(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in Tennessee Code Annotated, § 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment director finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the city or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment director an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one of the following orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a

federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (i) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

(2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take any emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the city in meeting the emergency.

(ii) Appeals from orders of the local administrative officer.

(A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(c) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subdivision (a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Loudon County has jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (b).

(viii) Any person to whom an emergency order is directed under § 18-405(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, et seq. within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment director may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements; to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations, administrative civil penalty. Under the authority of Tennessee Code Annotated, § 69-3-125.

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

(A) Unauthorized discharge, discharging without a permit;

(B) Violates an effluent standard or limitation;

(C) Violates the terms or conditions of a permit;

(D) Fails to complete a filing requirement;

(E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(F) Fails to pay user or cost recovery charges; or

(G) Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any administrative civil penalty must be assessed in the following manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the city resulting from any person's or industrial user's pollution or violation, failure, or neglect in

complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-402(2)(g) of this chapter, users are subject to termination of their wastewater discharge for violations of a wastewater discharge permit, or orders issued hereunder, or for any of the following conditions:

(a) Violation of wastewater discharge permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

(e) Violation of the pretreatment standards in the general discharge prohibitions in § 18-209 of this title.

(f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination manager.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and

allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund.

(8) Levels of non-compliance. (a) Insignificant non-compliance: For the purpose of this guide, insignificant non-compliance is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to informally with a phone call or site visit but may include a Notice of Violation (NOV).

(b) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(iii) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-405(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

(v) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation, or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation of implementation of the local pretreatment program.

(ix) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

Any significant non-compliance violations will be responded to according to the enforcement response plan guide table (Table IV.1).

(9) Public notice of the significant violations. The manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (C), (D) or (H) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-207 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the manager determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of WWF personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the manager's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual

wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of best management practices, which the manager determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(10) Criminal penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States. (as added by Ord. #2010-6-28-1900-C, June 2010)

18-406. Enforcement response guide table. (1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of this chapter.

(2) Enforcement response guide table. The applicable officer shall use the schedule found in Table IV.1 to impose sanctions or penalties for the violation of this chapter.

<b>Unauthorized Discharges (no permit)</b>				
<b>Noncompliance</b>	<b>Nature of Violation</b>	<b>Category</b>	<b>Enforcement Response(s)</b>	<b>Personnel</b>
Unpermitted discharges	IU unaware of requirement; no harm to POTW or environment	0	Phone call; NOV with application form	FI, PD
	IU unaware of requirement; harm to POTW or environment (significant non-compliance)	3	- AO and fine - Civil action, termination of service	PD, GM, BC PD, GM, BC
	Failure to apply for permit continues after notification by POTW	4	- AO and fine - Criminal investigation - Terminate service	PD, GM, BC PD, GM, BC PD, GM, BC
Failure to renew permit	IU has not submitted application within 10 days of due date	0	Phone call; NOV	FI, PD
<b>Discharge Permit Violation</b>				
Exceedance of local, state, or federal standard	Isolated, not significant	0	Phone call; NOV	FI, PD
	Isolated, significant (no harm)	1	AO to develop spill prevention plan (if not previously submitted) and fine	PD
	Isolated, harm to POTW or environment	3	- AO with fine - Show cause order - Civil action	PD, GM, BC PD, GM, BC PD, GM, BC
	Chronic or TRC, no harm to POTW or environment	2	Public Notice and Fine	PD, GM
	Chronic or TRC, (harm to POTW or environment)	4	- Public Notice, AO with fine - Show cause order - Civil action - Terminate service	PD, GM PD, GM PD, GM, BC PD, GM, BC

Monitoring and Reporting Violations				
Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
Reporting violation	Report improperly signed or certified	0	Phone call; NOV	FI, PD
	Report improperly signed or certified after notification by POTW	1	- AO and fine - Show cause order	PD, GM PD, GM
	Isolated, not significant (5 days late)	0	Phone call; NOV	FI, PD
	Significant (>5 days late)	1	AO to submit with fine for each additional day	PD, GM
	Report always late; failure to submit (significant non-compliance)	4	- AO with fine - Show cause order - Civil action	PD, GM PD, GM PD, GM, BC
	Failure to report spill or discharge changes (no harm)	0	NOV	FI, PD
	Failure to report spill or discharge changes (harm)	2	- AO with fine - Civil action	PD, GM PD, GM, BC
	Repeated failure to report spills	4	- AO with fine - Show cause order - Terminate service	PD, GM PD, GM PD, GM, BC
	Falsification	4	- AO and fine - Criminal investigation - Terminate service	PD, GM, BC PD, GM, BC PD, GM, BC
Failure to monitor correctly	Failure to monitor all permit required pollutants	1	NOV or AO	PD, GM
	Recurring failure to monitor	2	- AO with fine - Civil action	PD, GM PD, GM, BC
Improper sampling	No evidence of intent	0	NOV	FI, PD
	Evidence of intent	4	- AO and fine - Criminal investigation - Terminate service	PD, GM, BC PD, GM, BC PD, GM, BC

Monitoring and Reporting Violations (cont.)				
Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
Failure to install monitoring equipment	Delay of less than 30 days	0	NOV	FI, PD
	Delay of more than 30 days	1	AO to install with fine for each additional day	PD, GM
	Recurring, violation of AO	4	- Fine - Civil action - Criminal investigation - Terminate service	PD, GM, BC PD, GM, BC PD, GM, BC PD, GM, BC
Permit compliance schedule	Missed milestone less than 30 days, will not affect final milestone	0	NOV	FI, PD
	Missed milestone more than 30 days, will affect final milestone (good cause)	1	AO and fine	PD, GM
	Missed milestone more than 30 days, will affect final milestone (no good cause)	3	- AO and fine - Show cause order - Civil action - Terminate service	PD, GM PD, GM PD, GM, BC PD, GM, BC
	Recurring violation or violation of AO schedule	4	- Fine - Civil action - Criminal investigation - Terminate service	PD, GM, BC PD, GM, BC PD, GM, BC PD, GM, BC

Other Permit Violations				
Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
Wastestream diluted in lieu of pretreatment	Initial violation	1	AO and fine	PD, GM
	Recurring	2	- Show cause order and fine - Terminate service	PD, GM PD, GM, BC
Failure to mitigate noncompliance or halt production	Does not result in harm	2	NOV and fine	PD, GM
	Does result in harm	4	- AO and fine - Civil action	PD, GM PD, GM, BC
Failure to properly operate and maintain facility	Does not result in harm	1	NOV and fine	PD, GM
	Does result in harm	3	- AO and fine - Civil action	PD, GM PD, GM, BC
Violations Detected During Site Visits				
Entry denial	Entry denied or consent withdrawn; copies of records denied	0	Obtain warrant and return to IU	FI, PD, GM
Illegal discharge (violation of general discharge prohibitions)	No harm to POTW or environment	2	AO with fine	PD,GM
	Causes harm or evidence of intent and/or negligence	3	- Fine - Civil action - Criminal investigation	PD,GM PD, GM, BC PD, GM, BC
	Recurring, violation of AO	4	- Fine - Terminate service	PD, GM PD, GM, BC

Violations Detected During Site Visits (cont.)				
Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
Improper sampling	Unintentional sampling at incorrect location	0	NOV	FI, PD
	Unintentionally using incorrect sample type	0	NOV	FI, PD
	Unintentionally using incorrect sampling techniques	0	NOV	FI, PD
Inadequate record keeping. Failure to mitigate noncompliance	Files incomplete or missing (no evidence of intent)	0	NOV	FI, PD
	Recurring	2	AO and fine	PD, GM
Failure to report additional monitoring	Inspection finds additional files (unintentional)	1	NOV and fine	PD, GM
	Recurring (considered falsification)	3	AO and fine	PD, GM

Time Frames for Enforcement Responses

- (A) All violations will be identified and documented within 5 days of receiving compliance information.
- (B) Initial enforcement responses involving contact with the IU and requesting information on corrective or preventative action(s) will occur within 15 days of detection of violation.
- (C) Follow up actions for continuing or recurring violations will be taken within 60 days of initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- (D) Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- (E) All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of the significant noncompliance. (as added by Ord. #2010-6-28-1900-C, June 2010)

18-407. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Waste Hauler Permit;
- (f) Industrial wastewater discharge permit fees;
- (g) Fees for industrial discharge monitoring; and
- (h) Other fees as the city may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-402 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed.

(5) Sewer user charges.<sup>1</sup> The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge permit in accordance with § 18-407 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(8) Administrative civil penalties. Administrative civil penalties shall be issued according to § 18-403. Violation are categorized in the Enforcement Response Guide found in Table IV.1 in § 18-403. (as added by Ord. #2010-6-28-1900-C, June 2010)

18-408. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city. (as added by Ord. #2010-6-28-1900-C, June 2010)

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<sup>1</sup>Such rates are reflected in administrative ordinances or resolutions, which are of record in the office of the city recorder.

## CHAPTER 5

DROUGHT MANAGEMENT PLAN

## SECTION

18-501. Declaration of purpose and intent.

18-502. Definition of terms.

18-503. Drought management.

18-504. Drought response.

18-501. Declaration of purpose and intent. The Lenoir City Utilities Board (LCUB) understands the fundamental need to make efficient use of the limited and valuable water resource under its stewardship in order to protect the public's health and safety as well as environmental integrity. The purpose of this document is to establish a plan and procedures for managing water demand and evaluating supply options before and during drought-related water shortages. The intent is to satisfy the requirements of the Tennessee Safe Drinking Water Act (Chapter 1200-5- 1-.17(7), " . . . an community water systems shall prepare an emergency operations plan in order to safeguard the water supply and to alert the public of unsafe drinking water in the event of natural or man-made disasters." Drought management must be addressed in a separate document.<sup>1</sup> The intended goal is to achieve the greatest public benefit from domestic water use, sanitation, and fire protection and to provide water for other purposes in an equitable manner. Therefore, LCUB has adopted this drought management plan through a drought response resolution that provides the policies and authority to fulfill this obligation. The drought management plan outlines the framework by which LCUB will internally prepare for water shortages and the regulations by which LCUB will manage and control its customer water usage during various levels of a drought. (as added by Ord. #2011-5-9-1933A, May 2011)

18-502. Definition of terms. For the purposes of this plan, the following definitions will apply:

(1) Commercial and industrial water use. Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

(2) Conservation. Reduction in water use to prevent depletion or waste of the resource.

(3) Customer. Any person, company, or organization using finished water owned or supplied by LCUB.

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<sup>1</sup>This document is on file in the office of the city recorder.

- (4) Domestic water use. Any use of water for household purposes such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occur in a residence or in a commercial or industrial establishment.
- (5) Drought alert phases. There are four drought alert phases:
  - (a) Drought Alert
  - (b) Category 1 Drought
  - (c) Category 2 Drought
  - (d) Category 3 Drought
- (6) Essential water use. Use of water is strictly for fire fighting, safety, sanitation, health and medical purposes, and the use of water to satisfy federal, state, and local public health and safety requirements.
- (7) Finished water. Water distributed for use after treatment.
- (8) Institutional water use. Water used by government, public, and private educational institutions, churches, and places of worship, water utilities, and organizations within the public domain.
- (9) Irrigation water use. Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, right-of-way, and medians.
- (10) Non-essential water use. Categories of water use other than essential water use. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.
- (11) Water supply shortage. Lack of adequate, available water caused by drought or other water shortage events to meet normal demands. (as added by Ord. #2011-5-9-1933A, May 2011)

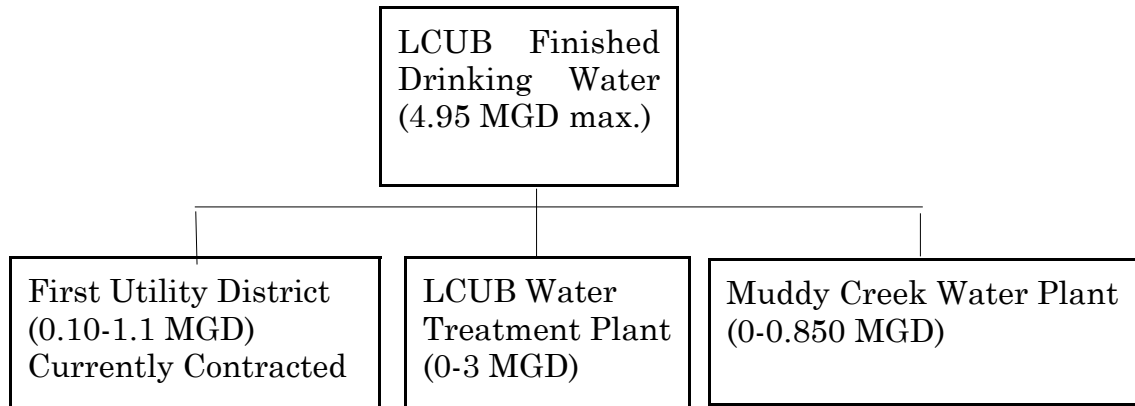
18-503. Drought management. (1) Introduction. To ensure that LCUB adequately manages its water system during drought-related conditions, and organized plan is necessary for system operation and reliability, proper communications, effective coordination, and ultimate allocation of water use. Prior planning will compliment LCUB's ability to respond to drought conditions and to enforce Lenoir City Utilities Board's Drought Management Plan.

(2) Designation of water system drought response representative. Administering a drought management plan requires the skills needed to undertake a comprehensive public information program and the judgment required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system's program and serve as principal contact for the news media as the water system's drought response representative. The drought response representative for Lenoir City Utilities Board is Mr. Herb Sarten. The address is P.O. Box 449, Lenoir City, TN 37771, and the phone number is (865) 986-6591.

(3) Description of water system layout, water sources, capacities, and yields. LCUB currently serves eight thousand three hundred fifty-four (8,354) water customers, of which three thousand seventy-three (3,073) are located within the City of Lenoir City, and five thousand two hundred eighty-one (5,281)

are located outside the city. The water system consists of a surface water reservoir on the Tennessee River, the Allen Fine Spring; two (2) water plants (Nelson Street Plant and the Muddy Creek Plant), seven (7) elevated storage tanks, and an existing service connection to First Utility District (FUD). See chart on the following page for a breakdown of finished water capability.

Lenoir City Utilities Board Water Sources and Capacities



As is outlined in the chart above, LCUB's finished drinking water (4.95 MGD max) is comprised of water produced at LCUB's Nelson Street Water Treatment Plant (3 MGD max) and Muddy Creek Water Treatment Plant (0.850 MGD max) in addition to water purchased from First Utility District (1.1 MGD max under current contract). The water produced at LCUB's Nelson Street Plant comes from the Tennessee River. The water produced at LCUB's Muddy Creek Water Plant comes from the Allen Fine Spring.

Crestwood Hills	0.5
Fifth Avenue	1.375
Highland Circle	0.46787
Highway 321	1.0
Little Mountain	0.5
Pine Top (2)	1.25

(4) Identification of water system specific drought or water shortage indicators. Operators of every water system must develop historical trends that are valuable indicators of a system's ability to meet demand when demand begins to outpace supply. LCUB has developed triggers for use during drought or demand water shortages that describe when specific phases of the drought management plan are implemented. The system triggers are as follows:

(a) Drought Alert. A drought alert shall exist when lower than normal precipitation is observed, declining stream flows are present, and

greater than normal demand is experienced. Water sources and daily water use will be monitored.

(b) **Category 1 Drought.** A Category 1 Drought shall exist when the weekly U.S. Drought Monitor (a synthesis of multiple indices, outlooks, and news accounts that presents a consensus of federal and academic scientists) indicates that Lenoir City, Tennessee is experiencing a severe (D3) or higher intensity drought event.

(c) **Category 2 Drought.** A Category 2 Drought shall exist when any of the following conditions are met:

- LCUB's weekly avg. demand (D) exceeds 3.96 MGD, calculated as follows:

$$D = Q_{wtp} + Q_{fud} \text{ where}$$

$Q_{wtp}$  = the average of any seven (7) consecutive days, from the raw water treated column of LCUB's monthly operation reports from both the Nelson Street and Muddy Creek water plants.

$Q_{fud}$  = the monthly average of water purchased from First Utility District (FUD).

- LCUB's Nelson Street Water Treatment Plant must run for more than nineteen (19) hours for five (5) or more days in one (1) week to meet demand.
- LCUB's weekly average customer demand exceeds eighty percent (80%) of the available supply. Available supply means water available from LCUB's water treatment plants, water available from First Utility District, and water available from any emergency connections with other water suppliers.
- LCUB's general manager, after consultation with the water and wastewater manager, declares a Category 2 Drought on the above basis or another unforeseen water supply problem.

(d) **Category 3 Drought.** A Category 3 Drought shall exist when any of the following conditions are met:

- LCUB's weekly avg. demand (D) exceeds 4.2 MGD, calculated as follows.

$$D = Q_{wtp} + Q_{fud} \text{ where}$$

Qwtp = the average of any seven (7) consecutive days, from the raw water treated column of LCUB's monthly operation reports from both the Nelson Street and Muddy Creek water plants.

Qfud = the monthly average of water purchased from First Utility District (FUD).

- LCUB's Nelson Street Water Treatment Plant must run for more than twenty-two (22) hours for five (5) or more days in one (1) week to meet demand.
- LCUB's weekly average customer demand exceeds eighty-five percent (85%) of the available supply. Available supply means water available from LCUB's water treatment plants, water available from First Utility District, and water available from any emergency connections with other water suppliers.
- LCUB's general manager, after consultation with the water and wastewater manager, declares a Category 3 Drought on the above basis or another unforeseen water supply problem.

(5) Cooperative agreements and alternative water supply sources. Successful drought management requires a comprehensive program by the water utility. In many situations, administrative agreements are required with other agencies to fully-implement the plan. Agreements with other water purveyors may be necessary for alternative water supply sources. Other agreements that strengthen conservation efforts by large users may be necessary. LCUB currently has a contract to purchase 1.1 MGD of water from First Utility District. This alternative water source supplies backup during drought conditions.

(6) Description of pre-drought planning efforts. Before the occurrence of a water supply shortage and the need to implement the emergency provisions of the *Action Plan*, it is important that certain pre-response measures be taken with the aim of conserving the system's source water, as well as the water distributed to the customer. In regards to the conservation measures outlined in § 18-504, LCUB has taken the following actions:

- (a) Identification of the top ten (10) water users on LCUB's system.
- (b) Identification of those users with whom there are conservation agreements: There are no agreements at this time.
- (c) Keeping the public involved, informed and participating in the decision-making process is key to implementing an effective drought management plan. When drought conditions require action, LCUB will make an appeal to all water users within the service area to conserve

water. This appeal to the water users will be printed on the water bills, in local papers and broadcast on local news stations.

(7) Description of capital planning and investment for system reliability and demand forecasting. Water utilities routinely find that capital improvements to the system strongly enhance their ability to get through times of drought. It is important that every water utility aggressively plan and build for future needs. The utility must continue to provide for system operation flexibility, improved pumping and storage capacity, and new technologies to meet the demands of tomorrow. LCUB's plan consists of a multi-faceted approach to supply-side and demand-side improvements, both in the short and long terms.

- (a) Supply side. Increase supplies.
  - (i) Short term. Consider increasing treated water allotment from First Utility District.
    - (ii) Long term. (A) Increase capacity @ Nelson Street Plant (up to 6 MGD).
      - (B) Increase capacity @ Muddy Creek Plant.
      - (C) Consider alternative supply connection to the Loudon Utilities Board system.
      - (D) Construction of a new water treatment plant.
- (b) Demand side. Decrease demand.
  - (i) Short term. (A) Tiered rates to promote conservation.
    - (B) Establish legal basis for restrictions.
    - (C) Water use restrictions.
  - (ii) Long term. (A) Building codes to lower demand.
    - (B) Develop water reuse.
    - (C) Ensure that fire hydrants are tamper proof.
    - (D) Conduct water-use audits of homes, businesses and industries.

(c) Supply side actions. LCUB has a number of options for increasing supplies of raw and/or treated water. On the raw side, LCUB's water filtration plants (Nelson Street and Muddy Creek) can treat up to 3.85 MGD. The plants' capacities can be expanded with a capital project; it would first have to be weighed against purchasing additional treated water from First Utility District (FUD). Raw supplies are comprised of the Tennessee River and the Allen Fine Spring.

(d) First Utility District. First Utility District (FUD) has supplied water to LCUB since 2001. LCUB currently has contract with FUD to purchase up to 1.1 MGD. The monthly average amount purchased by LCUB in the past year is 0.735 MGD, with a maximum monthly average of 1.17 MGD during August 2007. The maximum daily purchase is unknown, as the FUD meters are currently read only once

per month. Additional capacity may be purchased as a hedge against drought-induced or emergency shortfalls to LCUB's production capacity.

(e) Demand side actions. The ability to reduce the demand for LCUB-supplied water is an integral part of any drought management plan. If a water shortage occurs or is imminent, water use restrictions are the only way to reduce demand. Water use restrictions are the first, and often only, line of defense utilities apply against water shortages and droughts. They can be problematic, in that customers are not happy when the uses they have for water are restricted or when their lifestyles must suddenly be altered. They are typically applied too late, and have little impact on the availability of water. Sometimes, customer use patterns are permanently altered and result in long-term revenue shortfalls for both water and wastewater divisions (since water usage determines sewer billing). (as added by Ord. #2011-5-9-1933A, May 2011)

18-504. Drought response. (1) Background. The objective of the drought management plan is to establish authority, policy and procedure by which LCUB will take the proper actions to manage water demand during a drought-related shortage. The plan and the adoption of the plan by ordinance, satisfies the requirements of the Tennessee Safe Drinking Water Act (chapter 1200-5-1-.17(7)) and have the goal of achieving the greatest public benefit from limited supplies of water needed for domestic use, sanitation, fire protection and allocating water for other purposes in an equitable manner.

(2) Drought response measures. This drought management plan outlines specific drought measures for the conservation of water supplied by LCUB. The objectives of the plan are directed towards both an overall reduction in water usage and the optimization of supply.

To satisfy these goals, LCUB hereby adopts the following regulations and restrictions on the delivery and consumption of water. This drought management plan, which shall apply to both residential and commercial customers, is hereby declared necessary for the protection of public health, safety, and welfare, and shall take effect upon its adoption by the Lenoir City Utilities Board.

If it becomes necessary to conserve water in its service area due to drought LCUB is authorized to issue a "Proclamation" that existing conditions prevent fulfillment of the usual water-use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs become endangered.

Immediately upon issuance of such a proclamation, regulations and restrictions set forth under this plan shall become effective and remain in effect until the water supply shortage has ended and the proclamation rescinded.

Water uses that are regulated or prohibited under this plan are considered non-essential and continuation of such uses during times of water

supply shortages is deemed a waste of water, subjecting the offender(s) to penalties.

(3) Drought management plan guidance and regulations.

(a) General. It is the policy of the Lenoir City Utilities Board that the following guidelines be observed by LCUB's customers upon declaration of a water shortage emergency.

Certain restrictions must be imposed on the use of water during emergency shortages, which may occur for various reasons, including drought, loss of production or distribution facilities, or any other unforeseen cause.

The following guidelines restrict non-essential uses of water during water shortage emergencies so that the greatest public benefit may be served.

No water furnished by LCUB shall be wasted during water shortage emergencies. Waste of water includes, but is not limited to the following:

- (i) Permitting water to escape down a gutter, ditch, or other surface drain;
- (ii) Failure to repair a controllable leak of water; and
- (iii) Failure to put to beneficial use any water withdrawn from the LCUB distribution system

LCUB's general manager or his designee will declare the existence of a water shortage emergency according to the standards set out in this plan. The general manager or his designee will also declare the end of the emergency.

When a water shortage emergency is declared, it shall be designated as a Drought Alert, Category 1, Category 2, or Category 3 Drought in accordance with the following definitions:

Drought Alert - A drought alert shall exist when lower than normal precipitation is observed, declining stream flows are present, and greater than normal demand is experienced. Water sources and daily water use will be monitored.

Category 1 - A Category 1 Drought shall exist when the weekly U.S. Drought Monitor (a synthesis of multiple indices, outlooks, and news accounts that presents a consensus of federal and academic scientists) indicates that Lenoir City, Tennessee is experiencing a severe (D3) or higher intensity drought event. The U.S. Drought Monitor can be accessed through the National Oceanic and Atmospheric Administration's web site <http://www.drought.noaa.gov>.

No mandatory restrictions will be implemented under a Category 1 declaration.

Category 2 Drought. A Category 2 Drought shall exist when any of the following conditions are met:

- LCUB's weekly avg. demand (D) exceeds 3.96 MGD, calculated as follows:

$$D = Q_{wtp} + Q_{fud} \text{ where}$$

$Q_{wtp}$  = the average of any seven (7) consecutive days, from the raw water treated column of LCUB's monthly operation reports from both the Nelson Street and Muddy Creek water plants.

$Q_{fud}$  = the monthly average of water purchased from First Utility District (FUD).

- LCUB's Nelson Street Water Treatment Plant must run for more than nineteen (19) hours for five (5) or more days in one (1) week to meet demand.
- LCUB's weekly average customer demand exceeds eighty percent (80%) of the available supply. Available supply means water available from LCUB's water treatment plants, water available from First Utility District, and water available from any emergency connections with other water suppliers.
- LCUB's general manager, after consultation with the water and wastewater manager, declares a Category 2 Drought on the above basis or another unforeseen water supply problem.

The following action items will be implemented by LCUB if a Category 2 Drought exists. These and any other uses of LCUB-supplied water may be prohibited or reinstated at the discretion of LCUB's general manager or designee. If a Category 2 Drought exists or is declared during May, June, July, August, or September, the action items will remain in effect until after September 30.

1. Residential, commercial, and industrial irrigation will be limited. Use of LCUB's water supply system for lawn or garden sprinkling or other irrigation shall be limited to an

odd/even schedule with limited hours. Odd numbered addresses shall water only on odd numbered days. Even numbered addresses shall water only on even numbered days. Multi-family residences, businesses with multiple addresses, and properties without an apparent address shall water on odd numbered days. All watering must take place between the hours of 8:00 PM and 6:00 AM.

2. Filling or re-filling swimming pools shall be prohibited without written authorization from LCUB's water and wastewater manager.

Category 3 Drought. A Category 3 Drought shall exist when any of the following conditions are met:

- LCUB's weekly avg. demand (D) exceeds 4.2 MGD, calculated as follows.

$$D = Q_{wtp} + Q_{fud} \text{ where}$$

$Q_{wtp}$  = the average of any seven (7) consecutive days, from the raw water treated column of LCUB's monthly operation reports from both the Nelson Street and Muddy Creek water plants.

$Q_{fud}$  = the monthly average of water purchased from First Utility District (FUD).

- LCUB's Nelson Street Water Treatment Plant must run for more than twenty-two (22) hours for five (5) or more days in one (1) week to meet demand.
- LCUB's weekly average customer demand exceeds eighty-five percent (85%) of the available supply. Available supply means water available from LCUB's water treatment plants, water available from First Utility District, and water available from any emergency connections with other water suppliers.
- LCUB's general manager, after consultation with the water and wastewater manager, declares a Category 3 Drought on the above basis or another unforeseen water supply problem.

The following action items will be implemented by LCUB if a Category 3 Drought exists. These and any other uses of LCUB-supplied water may

be prohibited or reinstated at the discretion of LCUB's general manager or designee. If a Category 3 Drought exists or is declared during May, June, July, August, or September, the action items will remain in effect until after September 30.

1. Residential, commercial, and industrial irrigation shall be prohibited. The restrictions shall not apply to plantings in pots and baskets, and vegetable gardens.
2. Washing vehicles, sidewalks, driveways, houses, parking areas, or other exterior paved areas, regardless of whether for residential or commercial purposes, are prohibited.
3. Filling or re-filling a swimming pool is prohibited.
4. Using water for dust control during construction is prohibited.
5. Using water for cleaning streets is prohibited.
6. Using water from fire hydrants for any purpose other than firefighting or system maintenance is prohibited.

(4) Drought management water rates. (a) Residential. If voluntary reduction of usage is not successful, LCUB may implement, at its option, the following excessive rate schedule for water:

Tier I	5,000 GPM (gallons per month)	Regular rate
Tier II	5,001-7,500 GPM	1.5 times regular rate
Tier III	over 7,500 GPM	2 times regular rate

(b) Commercial/industrial/institutional. The following excessive rate schedule shall apply to all commercial/industrial/institutional customers:

A twelve (12) month moving average shall determine the baseline for each customer.

Tier I	(12) month moving average	Regular rate
Tier II	<10,000 GPM over baseline	1.5 times regular rate
Tier III	>10,001 GPM over baseline	2 times regular rate

(5) Notice. Upon the declaration of the existence of a water shortage emergency, the general manager or his designee shall notify all local media outlets and furnish detailed information concerning the existence of the water shortage emergency and all restrictions to normal uses of LCUB-supplied water. Every practical effort shall be made to keep LCUB water customers fully informed during any water shortage emergency.

(6) Customer's non-compliance. In the first instance where a customer is found to be in non-compliance with the requirements of a declared water

shortage emergency, a written notice shall be placed on the property where the violation occurred and a duplicate mailed to the person who is regularly billed for the service where the violation occurred and to any person known to LCUB who is responsible for the violation or its correction. A notice of violation shall describe the violation and order that it be corrected, ceased, or abated immediately or within a timeframe judged by LCUB to be reasonable. A description of the fees and penalties associated with the violation and its correction shall be included. If the notice of violation is not complied with, LCUB may, at the discretion of the general manger or his designee, disconnect the water service where the violation occurred. A customer whose water service has been discontinued due to failure to comply with the requirements of a water shortage emergency shall have the right, after the first disconnection, to have service restored upon payment to LCUB of the normal reconnection fee and upon executing a written statement that the customer will comply with the requirements of the water shortage emergency. If service to any customer is disconnected the second time due to failure to comply, such customer shall have the right of restoration upon payment to LCUB of the normal reconnection fee, tampering fee, and execution of a written statement that the customer will comply with the requirements of the water shortage emergency. Further noncompliance will be subject to such terms and conditions as may be deemed appropriate by the general manger.

During a Category 2 or Category 3 Drought, the general manager may at his discretion, request the assistance of police officers within the City of Lenoir City or Loudon County to enforce applicable water restrictions. If assistance is provided, such officers shall be authorized to conduct surveillance on LCUB's customers for the purpose of identifying specific instances of non-compliance with LCUB' s Category 2 or Category 3 mandatory water restrictions.

(7) Enforcement of restrictions. If any customer of LCUB fails to comply with the mandatory water use restrictions of this plan, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

(a) First violation: A fifty dollar (\$50.00) surcharge shall be added to the customer's water bill.

(b) Second violation: An additional one hundred dollar (\$100.00) surcharge shall be added to the customers' water bill.

(c) Third violation: The customer's water service shall be terminated and restored only after payment of a surcharge of two hundred fifty dollars (\$250.00) in addition to all previously assessed surcharges. Law enforcement agencies and other authorized agencies or designated employees in the jurisdiction, which is being supplied water by LCUB,. shall diligently enforce the provisions of the drought response plan.

(8) Variance. Customers, who in their belief are unable to comply with the mandatory water use restrictions of this drought management plan, may petition for a variance from restrictions by filing a petition with LCUB within ten (10) working days after the declaration of water use restrictions.

All petitions for variance shall contain the following information:

- (a) Name and address of the petitioner;
- (b) Purpose of water usage;
- (c) Special provision from which the petitioner is requesting relief;
- (d) Detailed statement as to how the water use restriction adversely affects the petitioner;
- (e) Description of the relief desired;
- (f) Period of time for which the variance is sought;
- (g) Economic value of the water use;
- (h) Damage or harm to the petitioner or others if petitioner complies with the restriction(s);
- (i) Restrictions with which the petitioner is expected to comply and the compliance date;
- (j) Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- (k) Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the plan cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. LCUB is authorized to grant temporary variances for existing water uses otherwise prohibited under the plan if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance. Variances granted by LCUB shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements. (as added by Ord. #2011-5-9-1933A, May 2011)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY

SECTION

19-101. Rules and regulations.

19-101. Rules and regulations. Electricity, water and gas service shall be furnished to residents of the city in accordance with such rules and regulations as the Lenoir City Utility Board<sup>1</sup> shall prescribe. (1963 Code, § 13-101, modified)

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<sup>1</sup>Charter reference

Water, light and gas commission: § 9a.

## CHAPTER 2

GAS

## SECTION

- 19-201. Application and scope.
- 19-202. Definitions.
- 19-203. Application and contract for service.
- 19-204. Service charges for temporary service.
- 19-205. Connection charges.
- 19-206. Gas main extensions.
- 19-207. Gas main extension variances.
- 19-208. Meters.
- 19-209. Multiple services through a single meter.
- 19-210. Customer billing and payment policy.
- 19-211. Termination or refusal of service.
- 19-212. Termination of service by customer.
- 19-213. Access to customer's premises.
- 19-214. Inspections.
- 19-215. Customer's responsibility for system's property.
- 19-216. Customer's responsibility for violations.
- 19-217. Supply and resale of gas.
- 19-218. Unauthorized use of or interference with gas supply.
- 19-219. Damages to property due to gas pressure.
- 19-220. Liability for cutoff failures.
- 19-221. Restricted use of gas.
- 19-222. Interruption of service.
- 19-223. Schedule of rates.

19-201. Application and scope. The provisions of this chapter are a part of all contracts for receiving gas service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

19-202. Definitions. (1) "Customer" means any person, firm, or corporation who receives gas service from the city under either an express or implied contract.

(2) "Service line" shall consist of the pipe line extending from any gas main of the city to private property.

Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's gas 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.

19-203. Application and contract for service. Each prospective customer desiring gas service will be required to sign a standard form contract and pay a service deposit of an amount to be set by resolution<sup>1</sup> of the city council before service is supplied. The service deposit shall be refundable if and only if the city 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 city for the expense incurred by reason of its endeavor to furnish the service.

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

19-204. 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 gas service.

19-205. Connection charges. Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new gas service line will be laid by the city, the applicant shall make a nonrefundable connection charge of an amount to be set by resolution<sup>1</sup> of the city council.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

19-206. Gas main extensions. Persons desiring gas main extensions must pay all of the cost of making such extensions. All such extensions shall be installed either by municipal forces or by other forces working directly under the

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

supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such gas mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate the mains as an integral part of the municipal gas system and shall furnish gas service therefrom in accordance with these rules and regulations.

19-207. Gas main extension variances. Whenever the city council is of the opinion that it is to the best interest of the city and its inhabitants to construct a gas main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the city council.

The authority to make gas main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons.

19-208. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a gas meter without the written permission of the city. No one shall install any pipe or other device which will cause gas to pass through or around a meter without the passage of such gas being registered fully by the meter.

19-209. Multiple services through a single meter. No customer shall supply gas service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of gas used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The gas and charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of gas so allocated to it, such computation to be made at the city's applicable gas schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied.

19-210. Customer billing and payment policy. Gas bills shall be rendered monthly and shall designate a standard net payment period for all members of

not less than \_\_ days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed \_\_% for any portion of the bill paid after the net payment period.

Payment must be received in the gas department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday net payment will be accepted if paid on the next business day no later than 4:30 P.M.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if gas is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available.

19-211. Termination or refusal of service. (1) Basis of termination or refusal. The city shall have the right to discontinue gas service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills.
- (b) The customer's application for service.
- (c) The customer's contract for service.

Such right to discontinue service shall apply to all gas services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of gas service according to the following terms and conditions:

- (a) Written notice of termination (cutoff) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cutoff notice shall specify the reason for the cut-off and
  - (i) The amount due, including other charges.
  - (ii) The last date to avoid service termination.
  - (iii) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) In the case of termination for nonpayment of bill, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If a customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

(c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the

hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(d) Termination will not be made on any preceding day when the gas department is scheduled to be closed.

(e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the gas department, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made or the correction of the problem that resulted in the termination of service in a manner satisfactory to the gas department, plus the payment of a reconnection charge of an amount as set by resolution<sup>1</sup> of the city council if the reconnection is made during regular business hours, or an amount as set by resolution<sup>1</sup> of the city council if the reconnection is made after regular business hours.

19-212. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for

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

service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service.

19-213. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' gas plumbing and premises generally in order to secure compliance with these rules and regulations.

19-214. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or gas plumbing system before gas service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or gas plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

19-215. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer.

19-216. Customer's responsibility for violations. Where the city furnishes gas service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

19-217. Supply and resale of gas. All gas shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the gas or any part thereof except with written permission from the city.

19-218. Unauthorized use of or interference with gas supply. No person shall turn on or turn off any of the city's gas, valves, or controls without permission or authority from the city.

19-219. Damages to property due to gas pressure. The city shall not be liable to any customer for damages caused to his gas plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's gas mains.

19-220. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for gas 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 a gas service, the city has failed to cut off such service.

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

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

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff.

19-221. Restricted use of gas. In times of emergencies or in times of gas shortage, the city reserves the right to restrict the purposes for which gas may be used by a customer and the amount of gas which a customer may use.

19-222. Interruption of service. The city will endeavor to furnish continuous gas service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

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

19-223. Schedule of rates. All gas service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.<sup>1</sup>

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

TITLE 20

MISCELLANEOUS<sup>1</sup>

CHAPTER

1. COMMUNITY DEVELOPMENT CORPORATION.
2. PARKS AND RECREATION DEPARTMENT.

CHAPTER 1

COMMUNITY DEVELOPMENT CORPORATION

SECTION

20-101. Creation.

20-101. Creation. The Lenoir City council does hereby establish the Lenoir City Community Development Corporation with the provisions and powers as specified under §§ 13-20-101 through 13-20-419 and 13-20-601 through 13-20-614 as provided for under the Housing Authorities Act, Chapter 30 Tennessee Code Annotated. Further, any amendments, deletions or additions to the aforementioned code section shall be amendments, deletions or additions to this ordinance. (Ord. #340, Feb. 1983)

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<sup>1</sup>Title 20, Chapter 3 "Dixie Lee Water Department Advisory Board" as added by Ord. #2000-12-18-1358-B, Dec. 2000 was removed in change 3 as Ord. #2007-8-13-1782-A, Aug. 2007 abolished the board as of January 1, 2010.

CHAPTER 2

PARKS AND RECREATION DEPARTMENT

SECTION

20-201. Creation and general duties.

20-202. Director; compliance with law; finances.

20-203. Recreational areas and opportunities.

20-204. Recreational programs.

20-205. Purchases, concessions, gifts, etc.

20-206. Powers, duties, and qualifications of park director.

20-207. Park rules and regulations.

20-201. Creation and general duties. There is hereby created a park and recreation department and the city council shall assume the duties and obligations of the recreation board including upkeep and maintenance of parks, hiring, establishing financial obligations (past, present, and future), hearing citizen complaints, scheduling activities, and insuring the parks against liabilities.

20-202. Director; compliance with law; finances. The parks and recreation department shall be placed under a full time director. The director will be answerable to the mayor and city council.

The parks and recreation department will adhere to all laws, ordinances, and codes of the city.

Basic control of financial matters will rest with the town council, which is the primary funding agency.

20-203. Recreational areas and opportunities. Lenoir City Park and other city parks and recreation area are public property and as such shall provide recreational opportunities for all citizens and adequate time to participate in same.

The maintenance and upkeep of Lenoir City Park and other city parks and recreation areas shall be carried out by the city.

No commercial activities shall be allowed in the Lenoir City Park and other city parks unless they are affiliated with a city sponsored public recreation event. (as amended by Ord. #2008-08-11-1826-A, Aug. 2008)

20-204. Recreational programs. Recreation programs will be developed and implemented by the parks and recreation director.

Programs shall include, but not be limited to, softball, tennis, baseball, basketball, soccer, physical fitness, crafts, arts and special events.

20-205. Purchases, concessions, gifts, etc. All purchases for the parks and recreation department will be made through purchase orders and the approval of the city administrator.

The sale of concessions will be under the parks and recreation director.

All gifts and donations will be turned in to the city treasurer and a receipt for same will be issued. Such gifts and donations will be placed in the recreation fund to become part of the parks and recreation committee budget.

20-206. Powers, duties, and qualifications of park director. The park director shall be the chief administrative officer in charge of the management of public parks, playgrounds, and other recreational area and of a comprehensive recreational program for the area of the City of Lenoir City. He shall administer the policies of the city council, recommend rules and regulations to the city council for its consideration, and perform such other duties as may be assigned to him by the city council. The director shall have training and successful experience in park and recreational work and shall hold at least a bachelor's degree in recreation and be of strong character. The park director shall devote full time to his job and shall:

(1) Assume responsibility for the maintenance and upkeep of Lenoir City Park and other city parks and recreation areas through the assistance of the other departments of the city government (streets, sanitation, water, fire, and police).

(2) Assume the responsibility for the scheduling of all activities of Lenoir City Park and other city parks and recreation areas.

(3) Assume the responsibility in conjunction with the Lenoir City Police Department for the maintenance of law and order at Lenoir City Park and other city parks and recreation areas.

(4) Assume the responsibility for the development and implementation of programs for all age groups in the area of, among other things:

- (a) Softball.
- (b) Baseball.
- (c) Tennis.
- (d) Physical fitness.
- (e) Basketball.
- (f) Crafts.
- (g) Soccer.
- (h) Arts.
- (i) Special events.

(5) Assume the responsibility for overseeing and directing the sale of concessions.

(6) Report to the city council concerning matters relating to the development, implementation and maintenance of the Lenoir City Park and other parks and recreation areas.

(7) Assume the responsibility for directing all finances from the park activities through the city treasurer and for following established procedures (purchase orders) for the expenditure of funds.

20-207. Park rules and regulations. (1) In general. The rules contained in this section shall apply in general as follows:

(a) Any requirement or provision of this section relating to any act includes the causing, procuring, or aiding of the act, or the permitting or allowing of any minor to do any prohibited act.

(b) A park employee in the performance of his duties is not bound by these rules.

(c) Any act prohibited by these rules may be performed under a permit obtained from the park board or park director.

(d) Copies of these rules are to be posted in the parks and are presumed to be known by all park users.

(2) Prohibited uses. The following uses are prohibited:

(a) Vandalism of any park structures or grounds.

(b) Littering, including placing household garbage in park receptacles.

(c) Sound track advertising.

(d) Disorderly conduct.

(e) Gambling in any form.

(f) Fireworks and firearms.

(g) Injuring, harassing, or feeding animals.

(h) Consumption of alcoholic beverages and possession of illegal drugs.

(i) Any non-city sponsored commercial activities.

(3) Regulated uses. The following uses are subject to permit or other restriction:

(a) Permits must be obtained to reserve park facilities, use the park for any prohibited use, or when otherwise required by this subsection.

(b) Placing posters and signs is prohibited except by permit.

(c) Selling of any merchandise is prohibited except through the concession stands or by permit.

(d) Building of fires is prohibited except in grills or by permit.

(e) Skating and skateboarding on roadways is prohibited except where permitted by signs or by permit.

(f) Camping is prohibited except by permit.

(g) Model aviation is permitted except in the vicinity of playing fields and playgrounds which are in use.

(h) Horses are prohibited except where permitted by signs.

(i) Any sport, game, or competition is permitted in proper areas except where prohibited by signs.

(j) Pets must be under the control of their owners. Any pet found at large may be seized and impounded by the Loudon County Animal Shelter.

(k) Park hours are 7:00 A.M. to 11:00 P.M. No person will be allowed to remain in the park after 11:00 P.M. except by permit.

(4) Regulation of vehicles. The following regulations apply to vehicle use in park areas:

(a) Regulatory signs must be observed unless directed otherwise by a police officer or park employee.

(b) Speed limit throughout the park is 15 miles per hour.

(c) Reckless driving is prohibited.

(d) Motorized vehicles are confined to the roads and parking areas and are not to be driven on any turf or trail unless so directed by a police officer or park employee. No vehicles of any kind, including bicycles, are to be driven on baseball, softball, football fields, or tennis courts.

(e) Only licensed drivers are to operate motorized vehicles inside the park. Driving lessons shall not be given in the park.

(f) Maintenance of vehicles, such as changing oil is prohibited in the park. (as amended by Ord. #2008-08-11-1826-A, Aug. 2008)